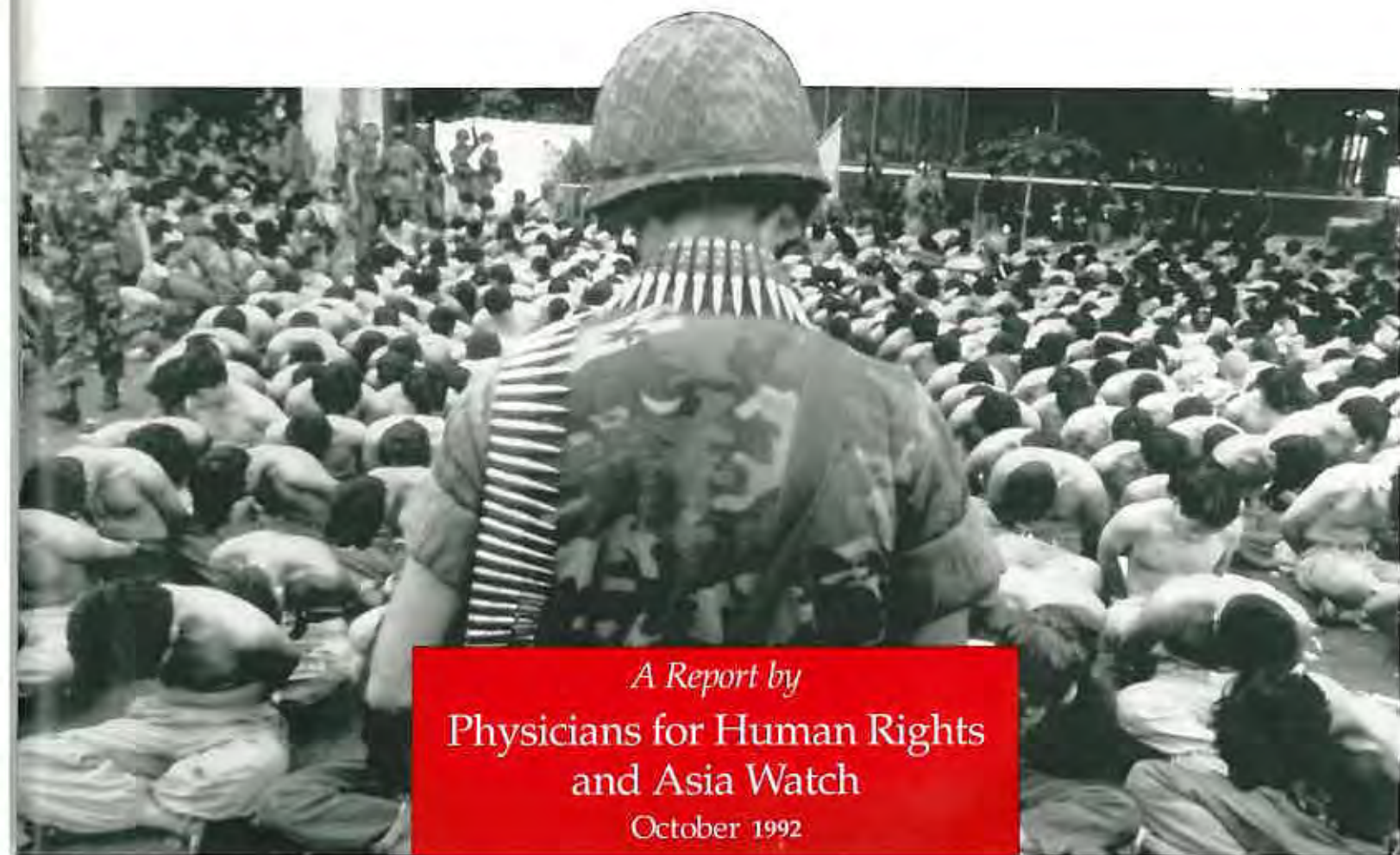


T H A I L A N D

BLOODY MAY

Excessive Use of
Lethal Force In Bangkok

The Events of May 17-20, 1992



A Report by
Physicians for Human Rights
and Asia Watch

October 1992

**"BLOODY MAY":
EXCESSIVE USE OF LETHAL FORCE IN BANGKOK
THE EVENTS OF MAY 17-20, 1992**

A Report by Physicians for Human Rights and Asia Watch

October 1, 1992

Copyright (c) 1992 by Physicians for Human Rights and Human Rights Watch.
All rights reserved.
Printed in the United States of America.

ASIA WATCH

Asia Watch was founded in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg and the Vice Chairs are Harriet Rabb and Orville Schell. Sidney Jones is Executive Director. Mike Jendrzejczyk is Washington Representative. Patricia Gossman, Robin Munroe, Dinah PoKempner and Therese Caouette are Research Associates. Jeannine Guthrie and Vicki Shu are Associates, and Mickey Spiegel is Research Consultant.

Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director and Kenneth Roth is Deputy Director.

PHYSICIANS FOR HUMAN RIGHTS

Physicians for Human Rights (PHR) is an organization of physicians and other health professionals that brings the knowledge and skills of the medical sciences to the investigation and prevention of violations of international human rights and humanitarian law. Since its founding in 1986, it has conducted over forty missions concerning twenty-five countries.

Physicians for Human Rights works to apply the special skills of health professionals to stop torture, "disappearances" and political killings by governments and opposition groups; to report on conditions and protection of detainees in prisons and refugee camps; to investigate the physical and psychological consequences of violations of humanitarian law and medical ethics in internal and international conflicts; to defend the right of civilians and combatants to receive medical care during times of war; to protect health professionals who are victims of human rights abuses and to prevent physician complicity in torture and other human rights abuses.

Physicians for Human Rights adheres to a policy of strict impartiality and is concerned with the medical consequences of human rights abuses regardless of the ideology of the offending government or group. The President of the Board of Directors is H. Jack Geiger, M.D.; the Vice President is Carola Eisenberg, M.D. Eric Stover is Executive Director; Susannah Sirkin is Deputy Director and Barbara Ayotte is Senior Program Associate.

Copies of this report may be obtained by contacting Physicians for Human Rights, 100 Boylston Street, Suite 702, Boston, MA 02116 USA (617) 695-0041, FAX (617) 695-0307 or Human Rights Watch, Publications Department, 485 Fifth Avenue, New York, NY 10017 USA, (212) 972-8400, FAX (212) 972-0905.

Cover photo: On May 19, 1992, approximately 3,000 demonstrators were forced to remove their shirts and crawl on their hands and knees at gun point outside of the Royal Hotel, where they forced to wait for hours in the sun before being transported to Ban Kaeng Police Academy.

All photos (c) Ira Chaplain 1992.

ISBN 1-879707-11-X \$7.00

ACKNOWLEDGMENTS

This report was written by Vincent Iacopino, M.D., a consultant to Physicians for Human Rights and Medical Director of Survivors International of Northern California and Sidney Jones, Executive Director of Asia Watch. It was reviewed by Ken Roth of Human Rights Watch and Susannah Sirkin, Robert Cook-Deegan, M.D. and Barbara Ayotte of Physicians for Human Rights.

The authors wish to extend their gratitude to the many Thai physicians who assisted them in gathering and interpreting relevant information for this report, especially Dr. Choochai Supawongse and Dr. Komatra Chuengsatiansup. We wish to express admiration for their efforts to treat the injured during events of May 1992. We also gratefully acknowledge the dedicated assistance of Dr. Krittaya Achavanitkul, Ms. Soporn Chunharittayanont and their staff at the Mahidol Hotline center and the invaluable logistic support of Tuk and Chris from the International Network of Engaged Buddhists. Many other individuals and non-governmental organizations gave us their time and shared their experiences, and to them we are also grateful.

CONTENTS

I. INTRODUCTION	1
II. POLITICAL BACKGROUND	3
III. POLITICAL VIOLENCE: MAY 17-20, 1992	7
IV. POLITICAL KILLINGS AND THE UNJUSTIFIED USE OF LETHAL FORCE ..	12
Analysis of Autopsy Reports	12
Patterns of Injury	13
International Standards for the Use of Force and Firearms	15
Failure to Use Non-Lethal Force	15
Failure to Use Force in Proportion to the Seriousness of the Offense	16
Political Killings and Unjustified Use of Lethal Force	17
V. VIOLATIONS OF MEDICAL NEUTRALITY	19
Medical Neutrality	19
The Thai Medical Response	19
Obstruction of Medical Services	21
Lack of Access to Medical Care	21
Assault and Harassment of Health Professionals	22
Consequences of Violations of Medical Neutrality	22
VI. DISAPPEARANCES	23
The Problem of Numbers	24
Analyzing the Lists	25
Where The Bodies Could Be	27
Prisons	27
The Hospitals	28
Burials	29
Rumors of Burial Sites	31
VII. INVESTIGATIONS	33
The House Committee	33
The Government Committee	34
The Defense Ministry Investigation	37
The Armed Forces-Interior Ministry Police Committee	38
VIII. THE ISSUE OF THE AMNESTY DECREE	39
IX. CONCLUSIONS	41
APPENDICES	

I. INTRODUCTION

In February 1991, a bloodless military coup toppled one of the rare popularly elected government administrations in Thailand's history. Just over a year later, a key figure in that coup, General Suchinda Kraprayoon, became Prime Minister despite repeated promises that he would never do so. His appointment on April 7, 1992 galvanized the political opposition and sparked a broad-based pro-democracy movement which seemed to grow in size with every day that he refused to step down. By early May 1992, hundreds of thousands of people from all walks of life were marching in Bangkok, demanding Suchinda's ouster and calling for constitutional changes that would ensure that only an elected official could become Prime Minister. The week of May 10 was the calm before the storm as government and opposition parties negotiated constitutional amendments. On May 17, after the talks broke down, the opposition called a new rally. This time, Thai security forces responded with force and deliberately opened fire on the demonstrators. The brutal crackdown resulted in at least 52 deaths, hundreds of injuries and a still unknown number of "disappearances" (figures range from 69 to over 200).

The use of lethal force by Thai security forces was unwarranted. In responding to those violent acts by the demonstrators the security forces made no attempt to employ non-lethal methods of crowd control. There is strong evidence that security forces shot to kill, a deliberate policy that precluded less drastic action. In addition to summary executions, human rights violations included unnecessary and disproportionate use of lethal force, violations of medical neutrality and what may have been removal of bodies without proper inquest or autopsy procedures.

From June 26 to July 5, 1992, Vincent Iacopino, M.D., a consultant to Physicians for Human Rights (PHR) and Sidney Jones, Executive Director of Asia Watch traveled to Thailand to investigate and document allegations of excessive use of lethal force by the Thai security forces on the demonstrators. The team gathered eyewitness accounts and watched video footage of the violent confrontation, reviewed official reports of deaths and injuries, and conducted interviews with front-line physicians, forensic pathologists and medical administrators from the hospitals, the Department of Public Health and the medical schools. The team also inspected two of the major sites where violent conflict allegedly occurred: the Phan Fa Bridge area and the vicinity of the Public Relations building.

Accounts of violations of medical neutrality were provided by interviews with eyewitnesses in the Royal Hotel, physicians, physician administrators and transport workers. Investigation of those reported missing after the crackdown involved a review of the data available from various non-governmental information centers, telephone or personal interviews with friends or family of some 30 people reported missing, and interviews with journalists. The Asia Watch/PHR team was not granted direct interviews with military and security forces. This lack of access, however, is mitigated by access to Thai government reports that did include such access, as is reviewed in this PHR/Asia Watch report.

In Thailand at least three major investigations--by the Prime Minister's office, the Defense Ministry and the House of Representatives -- were set in motion almost immediately following the May events but some key questions remain unanswered, especially as the reports of those investigations had not been made public as of mid-September. Moreover, a blanket amnesty issued within three days of the shooting removed whatever pressure might have been exerted on members of the military to provide full explanations of their actions. The transfer of top commanders to less active positions in the army, while welcome, is not a substitute for prosecution.

The failure to publish the findings of the Defense Ministry investigation makes it impossible to judge whether that inquiry was thorough and impartial. The government report, published in full on September 25, 1992, assigned no individual blame. The ban on prosecutions closes off another channel for getting at the truth and means that no officer will face criminal charges for his actions. Under the circumstances, the enactment of institutional safeguards is all the more important. There will be a particular burden on the newly elected members of the National Assembly and the Prime Minister to act quickly to provide such protection while a popular mandate to do so exists.

It is accepted wisdom among human rights organizations that when a grave abuse occurs, three steps are critical to prevent its recurrence: a full, thorough, and impartial investigation; the prosecution of those responsible; and the implementation of adequate legal reforms and training to guard against future violations.

Starting from a detailed account of the May events and an analysis of the use of lethal force by security forces, this report provides a series of recommendations to the new civilian-controlled government elected on September 13, 1992. Much of the chronology of May 17-20, 1992 is by now common knowledge, at least in Thailand where so many lived through events as they happened and videotapes of the events of the four days are played and replayed.

The report goes beyond a description of events, however, to examine evidence from autopsy and injury reports and weigh that against international standards on the use of firearms. If security forces caused unnecessary casualties by using live ammunition and shooting to kill, they may have caused still more death and injuries by violating internationally-accepted principles of medical neutrality: obstructing medical services, denying access to health care and assaulting and harassing health professionals.

The report then examines the question of "disappearances", noting that pinning down the number of missing is closely related to the problem of finding the bodies. It assesses the steps taken by Prime Minister Anand's interim government to investigate the shootings and discipline the offenders. It concludes with a call for a series of steps that might prevent a future "Bloody May" from taking place.

II. POLITICAL BACKGROUND

Although Thailand was proclaimed a constitutional monarchy in 1932, the military has been the dominant force in Thai politics for the last sixty years. It has shown little tolerance for civil society or functioning democratic institutions, and has displayed a strong penchant for coups. The primary significance of the May events was the evidence it provided of a desire among the urban middle class for an end to military domination, and for greater participation in a more accountable government.

The 1932 constitution -- the first of 11 to date -- created a parliament (National Assembly) with a democratically elected House of Representatives and an appointed Senate drawn largely from the armed forces, but the parliament has been a distant fourth in political influence to the monarchy, the military and the bureaucracy. Until recently, the Assembly has given a democratic facade to military rule, served as a buffer between the military and the King, and ensured some local services and funding for local projects, particularly during political campaigns.¹

The Prime Minister, who is the head of government, is usually selected from military ranks -- until June 1992, there was no requirement that he be popularly elected, and for more than forty of the sixty years that Thailand has been a constitutional monarchy, the Prime Minister has been a military officer, typically an army general. The bureaucracy and the military have been closely linked and both tend to be suspicious of members of parliament who favor reforms to make government more accountable to popular will. The lack of an alternative political structure by which policy and leadership differences can be played out, however, has often forced conflicts to be resolved through coup attempts. There have been seventeen in the last six decades, nine of them successful.

The military's hold over the political system has been assured by its overlapping membership in the civilian government and on the corporate boards that dominate the Thai economy. In addition, Thai military control has been bolstered economically by the United States, which during the Cold War saw Thailand as a key bulwark against the spread of communism in Southeast Asia, and more recently by Japanese and Western companies which have profited from the stable economic environment that tight military control over the country has provided.

Public protest against the military is not new. The two events that shaped the political outlook of many of those who were out in the streets of Bangkok on May 17-20, 1992 were the demonstrations in October 1973 and October 1976. When martial law was imposed in 1971 and a newly written constitution abrogated, students in Bangkok led mass protests. Among other things, they demanded the promulgation of a new constitution which

¹ John Girling, *Thailand: Society and Politics*, Cornell University Press (Ithaca: 1981), p. 135

would allow for a general election, the resignation of the army commander-in-chief and the Prime Minister, and an end to U.S. military bases in Thailand. On October 13, 1973, hundreds of thousands gathered in Bangkok. The army opened fire on the demonstrators the next day, but unexpectedly, key officers refused to obey orders to crush the movement. The two leaders whose resignations the students sought were forced into exile.

The next two years saw the emergence of the first democratic period in Thai politics. After elections in January 1975, a civilian, Kukrit Pramoj, became the prime minister of a coalition government. Kukrit's government, however, was paralyzed by conflict among the more than forty political parties that had emerged over the prior year. Conservative factions among the military and within Thai society deliberately sought to exacerbate the situation by stirring up unrest and with the hope of providing an excuse for the military to return to power to "restore social order". Prior to elections in April 1976 and afterwards, gangs supported by the military such as the Red Gaur -- which emerged again in 1992 --harassed and killed student and labor activists; rural self-defense groups known as Village Scouts were also trained by the military to "defend the country against communism".²

The violence culminated on October 6, 1976, when student protesters at Thammasat University were attacked by the police together with military-backed gangs and Village Scouts who were urged by army radio to "kill the communists."³ Students were beaten up, lynched and burned alive, with at least 46 people killed,⁴ although unofficial estimates were higher. Thousands were arrested. Army Commander-in-Chief General Kriangsak Chamanan declared martial law, and a military junta, the National Administrative Reform Council, was established. The events of October 1973 and October 1976 became the point of reference for many of those involved in the 1992 pro-democracy movement, and indeed, many observers believed that the size and degree of organization of the 1992 protests owed much to the experience of those who had taken part in the student movement twenty years earlier.

In recent years, "extrabureaucratic forces" such as non-governmental organizations, political parties, student groups, and a more politically active public, especially in urban areas have forced the military to attempt to legitimize its unconstitutional bids for power in the name of protecting the monarchy, guaranteeing national security or ending corruption. To the outside world, the Thai public seemed to tolerate these pretexts, and the coup on February 23, 1991 was no exception.

Save for a few protests from students, academics, labor activists and human rights organizations, the coup against the democratically-elected government of Chatichai

² David Wyatt, *Thailand: A Short History*, Yale University Press, (New Haven: 1984), p. 213

³ Wyatt, p. 302

⁴ Wyatt, p. 302; *Los Angeles Times*, May 19, 1992

Choonavan, the first elected civilian Prime Minister since 1976, seemed to be greeted either with apathy or enthusiasm. The new military junta, the National Peace-Keeping Council (NPKC), billed it as a measure directed against the acknowledged corruption and inefficiency of the Chatichai government as well as against efforts to destroy the military. International reaction, too, was subdued, despite the Bush Administration's reluctant suspension of \$60 million in economic and military aid to Thailand. Japan, which in 1990 was the largest foreign investor in Thailand and supplied Thailand with 74 percent of its foreign aid, declined to censure the coup, although it did stall the delivery of already-promised aid, apparently as a sympathy gesture with the American suspension.⁵

Many foreign investors seemed to welcome the coup and the economic "stability" that military rule promised. Thomas A. Seale, executive director of the American Chamber of Commerce, remarked that the coup was "a great leap forward to a better, Thai-style democracy" and, citing the amount of money spent on vote buying during elections, said that "the absence of politics from ministerial decision making will make Thailand a less expensive place to invest."⁶

Once again, the military established martial law, disbanded the Assembly, and abolished the 1978 Constitution. Deposed Prime Minister Chatichai and deputy premier Arthit were taken in custody (they were released after two weeks). Anand Panyarachun, a businessman and former Ambassador to the United States, was named interim Prime Minister, an astute appointment that was welcomed internationally. The NPKC set up an Assets Investigation Committee and announced that former officials would be investigated if they were suspected of being "unusually rich." In April 1992, the legislature appointed by the NPKC -- the interim National Legislative Assembly -- passed a bill granting amnesty to NPKC members for their role in overthrowing the Chatichai government.

Renewed public protests had begun after a draft of a new constitution was released in November 1991, which would have legitimized the military hold over government by allowing the military-dominated Senate to join with the House of Representatives in selecting the Prime Minister, and permitting military and government officials to hold cabinet offices.⁷ At this point, in an apparent effort to ease the growing political tension, General Suchinda made a public statement: "To purify the new constitution and reassure you that the NPKC will not get involved with the formation of government after the election, let me state here that neither General Suchinda nor ACM [Air Chief Marshal] Kaset will become prime minister. All politicians can relax now."⁸

⁵ *Los Angeles Times*, May 21, 1992

⁶ *New York Times*, February 27, 1992

⁷ "Thailand", *Asian Survey*, February 1992

⁸ "Chronology of Betrayal", *The Nation*, April 8, 1992. *The Nation* is a Thai newspaper.

On November 19, the day after he made this statement, a demonstration of some 50,000 took place at Sanam Luang to protest the proposed constitution. The mass protest resulted in a few concessions by the constitutional review committee, but the most controversial provision in the draft, giving the military effective power to appoint the Prime Minister through its domination of the Senate, remained; it was dropped at the last minute on November 25, but the Senate retained the power to oust the government in joint House-Senate no-confidence motions. The draft was passed by the appointed legislature, 232-7, on December 8, 1991.

Elections were promised in March 1992 and were held on March 22, after a campaign that was widely acknowledged as fraught with vote buying and other irregularities. A coalition of five pro-military political parties was able to gain a slight majority and to nominate one of its leaders, businessman Narong Wongwan, as Prime Minister. The nomination was withdrawn, however, after the U.S. government made it known that Narong had been refused a visa to the U.S. because of his alleged involvement in drug trafficking.

The five parties then nominated General Suchinda and he accepted, despite his repeated pledges earlier that he would not. On April 7, he was formally appointed by the King and demonstrations -- by students, opposition parties and the general public -- began in earnest. A leading opposition politician, Chalard Vorachart of the Democratic Party, began a hunger strike in protest. By mid-April, as his condition worsened, other opposition leaders joined him on hunger strike.

For his part, Suchinda appeared determined to flaunt his unpopular premiership. His Cabinet included a number of people suspected of being "unusually rich", destroying Suchinda's self-styled image as an anti-corruption campaigner. He appointed a close associate as head of the Central Intelligence Agency and threatened to take legal action against his opponents in parliament.

On May 4, over 60,000 people showed up at an anti-Suchinda rally at Sanam Luang. The same day, the former governor of Bangkok and leader of the Palang Dharma Party, Chamlong Srimuang, began a hunger strike, demanding that Suchinda resign.

On May 9, as the political crisis deepened with an estimated 100,000 in the streets, the five coalition parties agreed to amend the Constitution in accordance with the opposition's proposals. There would be four amendments, guaranteeing an elected Prime Minister; guaranteeing that the president of parliament would be the [elected] House speaker; curbing the Senate's powers and restricting its role to screening of legislative drafts; and broadening the mandate of the second parliamentary session each year so that it would not be restricted just to deliberate on pending legislation.

On May 10, the opposition agreed to a one-week halt to the demonstrations while talks with the ruling coalition continued. As the government parties procrastinated, however, Chamlong and other opposition leaders accused Suchinda and his backers of deceit and called for another rally on May 17. The stage was set for a clash.

III. POLITICAL VIOLENCE: MAY 17-20, 1992

On the morning of May 17, 1992 General Suchinda left Bangkok for Nan Province, saying he would return immediately if violent demonstrations broke out. By 6:00 p.m., police forces were already established at Phan Fa, Wan Chat and Maghawankey bridges and in the area around Sanam Luang, the park in the western part of Bangkok that has become the traditional gathering place for political demonstrations. Military forces behind police lines consisted of the Internal Peacekeeping Force, commanded by Air Chief Marshal Kaset, and the Capital Security Command, led by General Issarapong Noonpakdee.

Approximately 150,000 demonstrators had gathered peacefully at Sanam Luang to hear speeches by leaders of the Coalition for Democracy. At 8:30 p.m., Chamlong Srimuang led the demonstrators in a pledge not to end their struggle until General Suchinda stepped down. He and other leaders then called for the demonstrators to march down Ratchadamnoen Avenue to the Government House, over two kilometers away, and demand Suchinda's resignation. Advancing demonstrators were blocked by police and barbed wire less than half way to the Government House, at Phan Fa Bridge.

Violence first erupted at about 10 p.m. as demonstrators attempted to cross police barricades at the bridge. After police trained water cannons on them, the demonstrators responded by throwing rocks. Eventually, demonstrators managed to take over two of some ten fire engines stationed nearby. Police then rushed one of the vehicles and beat approximately 15 to 20 demonstrators with their nightsticks. Videotapes of footage taken by various domestic and international news agencies and our own interviews clearly indicate that police repeatedly struck their unarmed victims, including journalists, in the head, chest and extremities. Video footage shows one victim offering no resistance as he was struck approximately twenty times by the nightsticks of five policemen. Most victims had to be carried from the scene and transported to hospitals by their friends.

Excessive and indiscriminate use of force by police only intensified violence by the demonstrators, of whom no leadership was evident. From approximately one hundred meters away, Chamlong's pleas not to antagonize the police were either inaudible or ignored. Demonstrators then proceeded to hurl rocks and molotov cocktails at police and torched a number of vehicles near Phan Fa Bridge. The police responded by engaging in a "see-saw" battle of rock throwing, intermittently charging and retreating. During one such police assault, video footage shows a demonstrator, who was obviously trying to calm others, drop to his knees and beg for mercy. He and others were repeatedly struck with nightsticks until the police were pushed back by a hail of projectiles.

At midnight, General Suchinda declared a State of Emergency (See Appendix 1) and forbid the gathering of more than ten people. Less than two hours later, state-run television announced that newspapers had been ordered to refrain from publishing articles considered detrimental to national security or to incite public unrest.

The announcement had no effect in restoring order, and in the violence that followed, Nanglerng police station, Phukhaothong fire station and approximately ten vehicles were burned and nearly one hundred people injured. In contrast to earlier police attempts to protect their vehicles and barricades, police made no attempt to intervene in the arson of Nanglerng Police Station, and there were numerous reports of police smashing and burning vehicles in the Phan Fa Bridge area.⁹ Police Lieutenant General Narong Rianthong told the House of Representatives committee investigating the May events that the deputy interior minister, Viroj Pao-in, was heard in a radio transmission ordering police to leave Nanglerng station before it was set ablaze, and that this message was also confirmed by Nanglerng police.¹⁰ Viroj denied the allegations, but the passive police response to the burning of the station tends to support allegations of police involvement.

Once the state of emergency was declared, military troops, equipped with M-16 rifles, repeatedly discharged their weapons without warning to disperse demonstrators in the vicinity of the Phan Fa Bridge.¹¹ Four demonstrators were shot in the process. Among them was a second year surgical resident who later stated, from the intensive care unit of Siriraj Hospital, that she was shot in the back as she and others ran from advancing military troops. This was confirmed by medical documentation given to the PHR/Asia Watch delegation.

Several physicians who established a first aid post at the Sorn Daeng (Red Arrow) restaurant told us that they treated only a handful of minor injuries. Those with serious injuries were taken by friends, and in some cases by police, to hospitals. We were able to confirm at least one death due to severe beating in a follow-up communication with Dr. Vitur Eungprabhanth, Professor of Forensic Medicine at Siriraj Hospital and Mahidol University.

At 3:00 a.m., state-run television announced that Chamlong had led a riot, resulting in the burning of vehicles and public buildings. Later, between 4:00 a.m. to 6:00 a.m., military troops intermittently fired without warning even though the crowd sat peacefully, singing and clapping. The shooting subsided temporarily after General Thitiphong Cennuwat, commander of the First Division, and Chaiwat Sinsuwong, an M.P., agreed that the soldiers would stop firing as long as the demonstrators remained seated.

Throughout the morning and afternoon of May 18, troops sealed off Ratchadamnoen Avenue by blocking all access roads, leaving about 10,000 in the area. At about 3 p.m. troops advanced, arrested Chamlong and hundreds of demonstrators, and took them to Ban Kaeng Police Academy. Video footage reviewed by our delegation shows soldiers pointing their loaded weapons at demonstrators and then firing into the air. Coalition for Democracy

⁹ *The Nation*, May 18, 1992.

¹⁰ *Bangkok Post*, June 20, 1992.

¹¹ PHR/Asia Watch interviews and videotape footage taken by news agencies.

leaders Prinya Thewanarumitgun, Dr. Weng Tojirakan, Dr. Sant Hatthirat, Somsak Gosaisuk, Pratheep Uengsongtham Hata, Citrawadi Worachat, and Weera Musikaphong were also arrested that day.

By 6:00 p.m., about 50,000 demonstrators had gathered on Ratchadamnoen Avenue in front of the Public Relations building. The lobby of the Royal Hotel was converted to a field hospital by Thai physicians and nurses. After new barricades were erected by police on Ratchadamnoen Avenue near the Royal Hotel, Border Patrol Police equipped with helmets, shields and nightsticks took up positions in front of military troops. Sometime between 6:00 p.m. and 7:00 p.m., they were removed, for reasons which remain unclear. Buses filled with cheering unarmed demonstrators were positioned in front of the barricade between 7:30 p.m. and 9:30 p.m. An order to fix bayonets was given at 9:30 p.m., leading some demonstrators to raise their arms in defiance and to dare soldiers to shoot. At 10:30 p.m. one bus was driven quickly and another was pushed slowly into the barbed wire barricade. Soldiers opened fire continuously on the demonstrators even though neither of the approaching vehicles posed a life-threatening danger to the troops.

Video footage clearly shows many soldiers taking deliberate aim and shooting parallel to the ground at demonstrators, some of whom are seen falling to the ground. One segment of video, taken from behind a soldier, shows him shooting his M-16 at a person walking alone approximately 20 meters away. The victim then falls to the ground. The demonstrators were forced to retreat, carrying some of the injured with them.

Those who carried the wounded told doctors in the Royal Hospital receiving the wounded there that many bodies remained where they had fallen. No one dared venture out to retrieve them. Media personnel present on both sides of the conflict were also forced to retreat. At 10:50 p.m., a reporter of Dok Bia newspaper was shot in the head as he observed the incident on the third floor of the Royal Hotel. A relentless thunder of automatic weapons firing was heard for at least twenty minutes. One witness told us that he saw six people killed before he escaped to the Royal Hotel. He later reported seeing about thirty bodies near the Public Relations building. Many "looked as though they had gotten up to run and were shot in the back."

Between 11:00 p.m. and 2:00 a.m., sporadic gunfire was heard as troops sealed off the area. Those who approached were fired upon indiscriminately without any provocation. According to one press report, Veerachai Asawapattayanont, a 37-year-old engineer, drove his pick-up truck with two friends to observe the demonstration site. When the group reached a roadblock at Banglamphu and proceeded to turn around, they heard shots and a bullet passed through the windshield and into Veerachai's forehead. Witnesses stated that they had seen soldiers shooting from a rooftop when he was hit.¹² Our examination of Veerachai's autopsy report confirms that he was killed by a high velocity bullet wound to the

¹² *Bangkok Post*, May 25, 1992

forehead.

Physicians whom we interviewed estimated that they treated 120 to 150 injuries (all gunshot wounds), about 50 of which were serious; approximately six died before being transported to the hospital. Only a few were brought in dead since doctors instructed others to retrieve only those who had a chance of being saved. The doctors were unsure of what became of corpses that were not brought into the hotel. By about 2:00 a.m., the remainder of the injuries had been sent out of the hotel to a hospital. More ambulances were requested, but they were blocked from entering the area by troops who had sealed off the road.

At 5:00 a.m. troops advanced to the Royal Hotel where demonstrators had gathered, once again firing into the air. Everyone was ordered to lie face-down. Video coverage of troops entering the Royal Hotel shows unarmed demonstrators lying on the floor, offering no resistance, being kicked and struck with the rifle butts of shouting soldiers. Soldiers simply walked on top of prone demonstrators, rather than walking on the floor. Two doctors in surgical uniforms who identified themselves as physicians were also kicked and struck with rifles. Approximately 3,000 demonstrators were then forced to remove their shirts and crawl on their hands and knees at gun point outside to wait for hours in the sun before being transported to Ban Kaeng Police Academy.

After troops fired on demonstrators on the night of May 18, many motorcyclists took to the streets and destroyed traffic lights and police booths. Within several hours came a deadly response. Numerous accounts consistently describe groups of armed plainclothes men, or "headhunter" squads, (presumed to be police) indiscriminately shooting at motorcyclists and bystanders, without asking questions or giving any warning.

Prathunam, a *samlor* (passenger van) driver, reported that while working on May 19, he passed through an intersection alongside two motorcycles. As one of the motorcyclists threw a bottle at an empty police booth, shots were fired and Prathunam was hit in the hand. After he pulled over, witnesses told him that plainclothes policemen had been waiting on the other side of the booth and had shot at the motorcyclists.¹³

Chavalit Chongsuwan testified to the Law Society of Thailand that on May 19, he and two friends, on their way home on a motorcycle, were shot at by plainclothes police on their way home causing the vehicle to tip over. Three plainclothes policemen beat him to the point of unconsciousness. One used a metal pipe concealed in newspaper. Banchong Vejsupakul, a private bank employee, also testified to the Law Society that after he fell off the motorcycle, he was kicked and beaten with a nightstick before being incarcerated at the Dusit Police Station. They stated that they received no medical attention, food or water there.¹⁴

¹³ *Bangkok Post*, May 25, 1992.

¹⁴ *The Nation*, May 27, 1992.

Preecha Janmankong, a 31-year-old motorcycle taxi driver, stated that on May 18, at the request of people in the Royal Hotel, he went to search for vehicles to transport wounded to hospitals. As Preecha and other motorcyclists crossed the Satorn Bridge, they turned onto a small side street to avoid a line of soldiers and police. There they encountered five plainclothes police armed with rifles. After being kicked to the ground, a policeman fired at point blank range four times; two bullets entered the right arm, one passed from the buttocks to the stomach and another punctured his lung. He was taken, along with several others, to Bang Rak Police Station, where he was forced to fire two shots from a gun (perhaps so that charges could be placed on him for handling a weapon) and was then sent to the Police Hospital, approximately four hours after he was injured.¹⁵

Samruam Tikhem, a 19-year-old factory worker and motorcycle taxi driver was fatally shot in the chest at about 5:00 p.m. on May 19. He was attacked inside the Chanasongkram Temple grounds as he attempted briefly to observe the demonstration on his way home.¹⁶ His death was confirmed by our review of official autopsy reports.

Ian Neumegen, 40, a New Zealander who had lived in Thailand for 12 years, was also fatally wounded on May 19. He was shot by an M-16 in the back of his neck shortly after leaving the monastery where he lived to go out for dinner with a friend.¹⁷

Throughout May 19 and 20, sporadic violence continued to break out between soldiers and small groups of demonstrators. A curfew was declared by Suchinda for Bangkok on May 20, effective 9 p.m. to 4 a.m. But that night, almost 100,000 demonstrators gathered peacefully at Ramkhamhaeng University. At midnight, General Suchinda and Major General Chamlong appeared before the King on their knees on national television. The King reprimanded them and urged them to resolve the political crisis. Following the King's address, Suchinda declared an amnesty for "all offenders" and agreed to support an amendment to the constitution requiring the Prime Minister to be an elected official. Chamlong called on the demonstrators at Ramkhamhaeng to end their rally. It broke up soon afterwards.

¹⁵ *The Nation*, June 9, 1992.

¹⁶ *Bangkok Post*, May 25, 1992.

¹⁷ *The Nation*, May 27, 1992.

IV. POLITICAL KILLINGS AND THE UNJUSTIFIED USE OF LETHAL FORCE

The description of events in the previous chapter suggests that some of the deaths that occurred on May 17-20, 1992 were deliberate executions of demonstrators, in that security forces intentionally took aim and shot to kill, and others were the result of unjustified or excessive use of lethal force. That observation is reinforced by the physical evidence - autopsy and injury reports - and an analysis of the circumstances cited by the military to justify its decision to open fire.

Analysis of Autopsy Reports

Before our delegation arrived in Thailand, autopsies had already been performed on victims of the shootings¹⁸ and the bodies cremated according to custom. We interviewed Dr. Vitur Eungprabhanth, professor of Forensic Medicine at Siriraj Hospital and Mahidol University, who was assigned the responsibility of reporting forensic information to the Fifth Subcommittee of the government-appointed investigation. The following information was obtained from Dr. Vitur's *Study Report on the Conditions of Deaths During the Events of May 17-20*, and our review of translations of 30 original autopsy reports.

As of July 1992, autopsy information was available for 39 cases (the number increased to 42 by September 1992). All but one were male and 64 percent were between the ages of 20 and 29. According to the autopsy report, twenty-one of the bodies examined were killed on May 18, 1992: fifteen were dead on arrival to hospitals and six died in the hospital. On May 19, 1992, ten more died: eight were dead on arrival and two died in the hospital. The remaining eight cases were found dead between May 20 to 23. Sixty-seven per cent of all cases died before reaching a hospital.

All deaths were caused by gunshot wounds. According to autopsy reports from the Institute of Forensic Medicine and various hospitals the sight of the wounds were as follows:

Head and Neck	18
Chest and Back	14
Abdomen	5
Extremities	2
Hip	2

The vital organs most commonly affected were the brain (16 cases) and lungs (15 cases).

Evidence in the form of bullet fragments and wound characteristics indicates that 25 people were killed by high velocity weapons such as M-16s. The type of weapon used could not be clearly determined in fourteen cases.

¹⁸Only the bodies of shooting victims that were made available to Dr. Vitur were autopsied.

Analysis of entrance and exit wounds shows that among 18 wounds to the head and neck, nine entered from the front, four from the side, and three from behind (two were unspecified). In contrast, among the 14 wounds to the chest and back, seven entered from the back, four from the front, and three from the side. Therefore most of those who were shot in the head and neck were shot from the front while those shot in the chest and back were shot from behind.

Dr. Vitur told our delegation that two cases showed evidence of point blank injuries, as indicated by powder burns on entrance wound sites. One case involved a single shot to the forehead and the other a shot to the back. It is also possible that additional point blank injuries may have been present, but were not noted. Six reports from one of the hospitals provided only cursory "wound descriptions and doctors' opinions" by the "doctor in charge." Doctors at this hospital did not have formal training in Forensic Medicine and the bodies were cremated before an official examination could be performed. One reported stated: "Three penetration wounds at the middle of the forehead, diameters = 1 cm each, depth = reached skull with embedded bullet at the posterior part of the skull." Three wounds of the same size in the same area of the head suggests gunfire at close range, rather than from a distance. Since no other information was available for this case, it is difficult to conclude with certainty whether this constituted an additional "point blank" injury. Similar cursory reports of five other cases may have resulted in an underestimate of the actual number of point blank injuries.

In a press interview, Police General Tassana Suwanjutha, commander of the Institute of Forensic Medicine, said that in his review of seventeen cases, most injuries were caused by at least one but not more than two, bullets. These were fired at an average range of 140 meters and at a 15 degree angle to the ground according to his ballistic tests.¹⁹

In summary, the findings indicate that most victims died from single shots to vital organs by high velocity weapons. The consistency between eyewitness and video accounts of the use of lethal force and post-mortem examinations establishes irrefutably that soldiers used lethal force on unarmed demonstrators.

Patterns of Injury

No members of the security forces received gunshot injuries and none were killed as a result of the crackdown.

According to statistics provided by the Department of Public Health, 736 persons were injured in the violent crackdown; 195 were hospitalized, and 655 treated as out-patients in a total of 22 hospitals, 13 governmental and 9 private. We reviewed the Department of Public Health's

¹⁹ *The Nation*, June 6, 1992.

official Epidemiological Study of Mortality and Morbidity of Hospitalized Patients submitted to the Fifth Subcommittee of the Factual Investigation Committee and present excerpts of its findings below.

Of the 195 cases of hospitalized patients reported, this study surveyed 78 cases or 40% of the total. Information was collected using a structured interview for 58 cases and a retrospective chart review for the remaining 20 cases. Ninety-seven percent of the patients surveyed were male; 78 percent single and 78 percent were between the ages of 16 and 29.²⁰

As for the victims' activity at the time of injury: 51 percent identified themselves as demonstrators, 24 percent as observers, 13 percent as involved in their daily routine, 2 percent as security officials, and 10 percent as other.

Information on the time and place of injury was available for the 58 cases. Twenty-nine percent of the injuries occurred on May 18 between 12:00 a.m. and 4:00 a.m., while 52 percent occurred between 8:00 p.m. on May 18 and 4:00 a.m. the following day. These two fairly discrete periods of time correspond to accounts of the use of force and firearms first at the Phan Fa Bridge and later near the Public Relations building. The remaining 19 percent of injuries occurred over a broader period of time, from 6:00 a.m. on May 19 to midnight on May 20. Injuries that occurred over this broader period of time correspond to accounts of sporadic violence initiated by "headhunter" squads throughout the city.

As to the place of injuries, 65 percent were sustained at the demonstration site (22 percent in the region of Phan Fa Bridge and 43 percent in the vicinity of the Public Relations building), while 35 percent occurred outside the demonstration site at a variety of locations throughout the city.

Forty-six of the 195 inpatient injuries were reported as "serious," and five were recorded as "crippling." Eighty percent of injuries were caused by gunshot wounds. Other causes included beating, barbed wire, burns and minor trauma. Most of these non-lethal injuries were present on the extremities (47 percent), but multiple injuries were also fairly common (25 percent).

When asked what they were doing at the time they of their injury, 24 percent reported that they were running away, 19 percent said that they were standing, 17 percent crouching, 10 percent driving a motorcycle, 9 percent walking, 9 percent sitting, 3 percent driving a car, and 10 percent either taking photographs, pushing or driving a bus, providing first aid, or working in the area.

²⁰Classification of patients by occupation showed that most were employed or full-time students: general employees, 41 percent; tradesmen or business owners, 14 percent; students, 12 percent; government officers, 4 percent; lawyers, 8 percent; soldier/policeman, 1 percent; and drivers, 3 percent. No information was available for the remaining 18 percent. Among those surveyed, 28 percent had attained a college level education or greater, 32 percent secondary school, 13 percent primary school, 1 percent no formal education; information was unavailable for 26 percent. Sixty percent of the injured were from Bangkok, 20 percent from other provinces, 3 percent from abroad, and 18 percent were unspecified.

The time elapsed in transferring the injured to hospitals ranged from 5 minutes to 12 hours with an average of 1.5 hours. Thirty-five percent of cases took between one and two hours to reach a hospital. Approximately 58 percent of those injured received no first aid before their arrival. Of those who did receive first aid, only 30 percent were transported to a hospital by an ambulance.

In summary, this survey²¹ of injuries indicates that most of the people injured were young, single, educated, middle class, and either participated in the demonstration or observed the events, although 13 to 23 percent said they were not involved. The total number of injuries that required hospitalization was substantial (195), as witnesses have testified. Most (80 percent) were caused by gunshot wounds and reportedly occurred when victims were engaged in non-threatening activities, consistent with the testimony that we and others have gathered. There were no injuries consistent with the use of tear gas, rubber bullets, bird-shot or other non-lethal forms of crowd control.

International Standards for the Use of Force and Firearms

It is clear that on May 17 some demonstrators engaged in violence. In the ensuing conflict, first between police and demonstrators and later between military troops and demonstrators, the issue is not whether demonstrators exceeded the bounds of peaceful protest, but whether the use of lethal force by soldiers and police to bring the situation under control was justified. The military insisted the threat was real and the use of force necessary to prevent further damage. But top commanders appear to have decided even before violence broke out that police would not be supplied with non-lethal forms of crowd control. Their subsequent actions violated two key international standards, the Code of Conduct for Law Enforcement Officials (See Appendix 2) and the more detailed Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (hereafter called the Basic Principles). (See Appendix 3).

Failure to Use Non-Lethal Force

The official code name for the military operation to quell the demonstration was *Pairee Pinaat* or "Destroy the Enemy". The intent to use lethal force may have been based not only on the perception of the demonstrators as enemies, but also on the belief of General Suchinda and his government that police were incapable of effectively controlling the crowd. Principle 2 of the Basic Principles states the responsibility of a government to equip law enforcers with a variety of non-lethal weapons that allows for a "differentiated use of force."

²¹The findings of this survey are limited by the extent to which they accurately represent the entire population of those injured.

Bangkok's anti-riot squad consisted of only several hundred policemen; the majority of police at the Phan Fa Bridge were therefore regulars and traffic recruits. They were equipped only with nightsticks, helmets and some plastic shields. Besides several water cannons, no other method of non-lethal crowd control was used. Police were told to leave tear gas "at the station," allegedly because of an unfavorable wind.²² Video footage shows that the wind was not consistently in the direction of the police, and even if it was, that would not have precluded the use of tear gas together with gas masks by the police. The police appear to have been intentionally underequipped.

The opportunity to use non-lethal force was again neglected before soldiers fired on demonstrators near the Public Relations building. There were no water cannons present; tear gas was not used; and unarmed Border Patrol Police were removed shortly before troops opened fire.

Failure to Use Force in Proportion to the Seriousness of the Offence

The Code of Conduct for Law Enforcement Officials states, "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty" (Article 3). The official commentary included in the Code provides that use of force should be used only when necessary to prevent a crime or to arrest suspected offenders. The commentary also states that the force used should be proportional to the harm faced, and that firearms are "not to be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain and or apprehend the suspected offender." In general, the commentary to the Code of Conduct emphasizes that law enforcement officials should not act as though they were combatants in a war-like conflict. The Basic Principles are more explicit:

Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offense and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life.

In addition to the government's and the law enforcement's failure to adequately equip and train sufficient numbers of anti-riot police, specific actions taken by police served to escalate any violence attributable to the demonstrators. Vicious beatings by police and police participation in a remarkably ineffective battle of rock throwing clearly violated the principles of "restraint" and "minimizing damage." Although the inability of the police to control the "rioters" was the official justification for declaring a state of emergency, the

²² *The Nation*, June 26, 1992.

evidence indicates that the police were not merely ill-equipped, they also may have been responsible for much of the violence on which the State of Emergency was officially based.

Firing live ammunition at demonstrators to disperse them, as well as repeated strafing of demonstrators and motorcyclists, again represents a wholly inappropriate use of force.

Political Killings and Unjustified Use of Lethal Force

International standards on the use of force and firearms require that force be used only in proportion to the seriousness of the offense committed (Basic Principles, Principles 4, 5a, 5b, 13, 14). The use of firearms can be justified only under circumstances of "self-defense or defense 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, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, 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." (Principle 9)

In response to the buses breaching the barricades, troops opened fire. The Chief of Staff of the army's First Division, Colonel Noppol Intapanya, stated that he heard another commander order his soldiers to "shoot the tires" of the buses, which were "about 100 meters" away.²³ Not only does the testimony amassed suggest otherwise, but analysis of the autopsy reports confirms that most victims died from single shots to vital organs by high velocity weapons. Most of those who faced their killers were shot in the head, while those who ran were shot in the back. The videotapes clearly show soldiers repeatedly aiming and firing at ground level into a mass of demonstrators.

Upon reviewing videotapes of the incident, and considering the speed of the buses and their distance from troops, the Asia Watch/PHR team concluded that the buses did not appear to pose a serious threat to the lives of soldiers. An order to "shoot the tires" would have been appropriate. However, eyewitnesses, video recordings, injury reports, autopsy findings and inspection of the demonstration site all confirm that, in addition to any shooting of bus tires, soldiers shot and killed unarmed demonstrators, who in no way threatened the lives of soldiers or anyone else. From the start of this confrontation military troops were poised with only lethal weapons. At the first sign of any potential threat to them, soldiers indiscriminately used maximal lethal force.

In addition to killings at the site of the demonstration, executions took place elsewhere in Bangkok. There were numerous accounts of armed "headhunter squads" who shot at suspected vandals on motorcycles, no questions asked. The almost instantaneous response to

²³ *Bangkok Post*, June 1, 1992.

this vandalism, which began just after midnight on May 18, suggests an organized military or paramilitary operation. Even if there were strong grounds to support the motorcyclists of looting and other crimes, there was no justification for the use of lethal force against them. The lives of the security forces were not threatened and they could have just as easily arrested and detained the vandals.

International standards of human rights recognize that indiscriminate use of lethal force and arbitrary execution of citizens cannot be justified under any circumstances, including that of "national security" (Code of Conduct for Law Enforcement Officials, Article 5; Basic Principles, Principle 8) as was invoked by General Suchinda, Air Chief Marshall Kaset and General Issarapong.

V. VIOLATIONS OF MEDICAL NEUTRALITY

Medical Neutrality

Humane treatment of the sick and injured in areas of armed conflict depends on the protection of medical neutrality. The four Geneva Conventions of 1949 and their two additional protocols of 1977, set forth rules and principles concerning medical neutrality. Article 3 of the Geneva Convention for the Amelioration of the Condition of the Wounded and the Sick in Armed Forces in the Field provides that people not actively involved in the hostilities, including injured combatants, be treated humanely. Protocol II then elaborates on the requirements for providing medical help in a combative situation. The Protocol requires that medical staff not be inhibited from performing their duties in a medically neutral manner or punished for doing so; not be required to perform tasks that would go against the role of humanely caring for the sick and wounded; not be asked to provide information about the sick and wounded beyond the requirements of national law; and medical transports not be attacked unless they are used to commit hostile acts. These standards have been incorporated into the Code of Medical Neutrality in Armed Conflict of the International Committee of the Red Cross (ICRC) which applies to all situations of international and internal armed conflict (see Appendix 4). Although the traditional interpretation of these standards has always focused on military engagement, an alternative perspective of expanding their application to the less extreme condition of internal strife can be argued in this case, particularly since the medical exigencies of the security forces are less severe than those of the demonstrators.²⁴

The Thai Medical Response

The Thai health care system serves more than 54 million people. Over the past twenty years, health and medical care have improved substantially in Thailand. Public health efforts to ensure the basic minimum health needs for all Thai citizens have been associated with an increase in the average life expectancy by five years from 1975 to 1990. Medical service and education, under the direction of the Thai Medical Council, has achieved a level of care comparable to many industrialized nations. Seventy percent of medical services are nationalized while 30 percent are private. Most of Thailand's technologically advanced facilities are concentrated in Bangkok, including five university teaching hospitals. Although Thai medical services were highly capable of treating disease and injury before the events of May 17-20, they had minimal experience in providing medical relief services in times of civil strife.

Documentation of the medical response to the events of May 17-20 is based on interviews with Professor Pradit Chareonthitawee, physician to the royal family and Rector

²⁴ See, for example, *Declaration of Minimum Human Rights Standards of 2 December 1990, including an Introduction and the Oslo Statement on Norms and Procedures in Times of Public Emergency or Internal Violence of 17 June 1987*, Institute for Human Rights, Abo Akademi University, 1990.

of Mahidol University; Dr. Sant Hathirat, Professor of Medicine and one of the leaders of the Coalition for Democracy; Dr. Bunterng Ratchapiti, Permanent Secretary of the Ministry of Health and Dean and Director of Chulalongkorn Hospital; Dr. Choochai Supawongse, former Secretary General of the Medical Council of Thailand as well as interviews and written testimonies of several front-line doctors.

Soon after the May 17 confrontation between police and demonstrators became violent, several doctors and medical students who were present spontaneously set up a first aid station at the Sorn Daeng restaurant. They treated only a handful of minor injuries with limited supplies. People more seriously wounded were transported by friends or police to hospitals. Medical personnel at Sorn Daeng saw no evidence of the use of tear gas, rubber bullets, or other forms of non-lethal ammunition.

One doctor reported hearing that four demonstrators had been shot. Among them was a second year surgical resident from Siriraj Hospital who later stated from an intensive care unit bed that she had been shot in the back as she and several others ran from advancing military troops. News sources estimated over 100 injuries to have occurred in the initial conflict in the vicinity of the Phan Fa Bridge.²⁵

Doctors returned from Sorn Daeng restaurant to their hospitals and requested additional support. A meeting of hospital representatives was later convened at the Ministry of Public Health. No consensus was reached on the provision of emergency care, other than to place hospitals on "alert status." Consequently, health providers acted independently, both with and without the support of their hospitals. About thirty physicians, as well as nurses and medical students, organized an emergency medical unit in the Royal Hotel Lobby at about 5:00 to 6:00 p.m. with the permission of the hotel staff. A large red-cross banner was placed outside the hotel and medical staff were dressed in uniforms. Treatment capabilities for gunshot wounds consisted of: control of blood loss, intravenous fluid replacement, chest-tube placement and endotracheal intubation (breathing support). Approximately 120 to 150 people were given emergency care; 50 were seriously injured and about six died before being transported.

At approximately 2:00 a.m., there were no more injuries to treat, but the medical team, after hearing a warning on the radio that there would be more confrontations, remained at their post in anticipation of more injured. They had several ambulances available, but others they had requested were blocked by barricades and military troops. At about this time, troops ordered medical personnel to evacuate the Royal Hotel. Most of the medical students and nurses left, but about 20 to 30 physicians remained to provide essential care in case of an emergency. An attempt was made to have someone outside the hotel contact the military to notify them of the doctors' presence, but it is unclear whether the message was received. Soldiers entered the Royal Hotel and abused and harassed the doctors.

²⁵ *Bangkok Post*, June 1, 1992

Obstruction of Medical Services

"Sick and wounded combatants and civilians shall be protected, treated humanely, and provided with medical care without delay" (Code of Medical Neutrality in Armed Conflict, Article 1)

"Medical facilities, equipment, supplies, and transports shall be respected and protected, regardless of whom they serve, and shall not be destroyed" (Code of Medical Neutrality in Armed Conflict, Article 7)

In the epidemiological survey of the mortality and morbidity mentioned earlier, the average time for an injured person to reach a hospital was 1.5 hours. There were a number of factors that contributed to this delay: (a) there was no official coordination in providing emergency relief services or transportation; (b) police and military blocked the path of ambulances, forcing them to take alternative routes or to turn back; (c) demonstrators damaged or burned four police ambulances; and (d) demonstrators blocked several roads and bridges with buses.

In addition to the problem of transportation, medical services were obstructed by the crowd of people who sought refuge in the Royal Hotel. Volunteers had to form a human chain around medical personnel to provide some working floor-space.

Lack of Access to Medical Care

"Medical workers shall have access to those in need of medical care, especially in areas where civilian medical services have been disrupted. Similarly, people in need of medical care shall have access to such services" (Code of Medical Neutrality in Armed Conflict, Article 6).

"Those who are injured not only have the right to medical care without delay; those who are detained, upon detention shall receive thorough and responsible medical exams and medical care" (Code of Medical Neutrality in Armed Conflict, Article 5).

Witnesses consistently testified to the Asia Watch/PHR delegation that when troops opened fire on demonstrators, many wounded could not be reached because of continuous firing, and some may have died as a result. We have also documented numerous cases in this report of police and "headhunter" squads disregarding medical needs of those they injured. Another form of lack of access to medical care resulted from widespread fear of police and military troops. Hospital administrators could not agree upon a unified relief effort because they did not want to jeopardize the safety of their medical staff. For this same reason, several ambulance services did not operate, including two services that normally transport most of the corpses in Bangkok.

Assault and Harassment of Health Professionals

"Medical workers shall be respected, protected, and assisted in the performance of their medical duties (Code of Medical Neutrality in Armed Conflict, Article 2).

"Medical workers shall not be punished for providing ethical medical care, regardless of the persons benefiting from it, or for refusing to perform unethical medical treatment" (Code of Medical Neutrality in Armed Conflict, Article 4).

Although one doctor was shot in the line of duty, this incident may not be a clear violation of medical neutrality. The surgical resident was among the demonstrators looking for wounded but was not in uniform or engaged in a medical activity at the time. It is unclear whether she identified herself as a physician before being injured. On the other hand, two doctors present in the Royal Hotel when troops entered have testified that soldiers kicked them after they identified their profession. Soldiers forced doctors in uniform to lie on the floor. They also insulted their ethic of assisting those who were injured. They repeatedly questioned the physicians as to why they were helping those against the government, and also confiscated their identification and detained them for several hours.

Ambulance teams, which included doctors and nurses, were also assaulted. One ambulance crew from Siriraj hospital reported that police chased them away with gunfire.

Consequences of Violations of Medical Neutrality

Violations of medical neutrality contributed to the extent of morbidity and mortality during the violent crackdown. Obstruction of ambulances and disregard for the medical needs of the seriously injured significantly delayed or prohibited essential medical care. Inadequate transportation forced medical teams to use buses as ambulances to deliver 47 injured persons, two of whom died in transit. Given the severity of injuries, it is likely that more effective transportation could have saved lives and reduced morbidity.

VI. DISAPPEARANCES

In the immediate aftermath of the shootings, more than a thousand people were reported missing by friends and relatives. Within days, eight different centers were set up to receive information and begin tracing efforts.²⁶ Newspapers gave out fax and phone numbers of the eight centers, and the *Bangkok Post* began to publish a comprehensive list each Sunday of all those reported missing. The centers were deluged with calls. Staffed almost entirely by volunteers, they developed forms for taking down information and entered all names on a computerized database.

As noted below, the Interior Ministry also set up a system through local police stations for reporting disappearances. There was relatively little overlap between the names given to the non-governmental centers and those given to the government, but when the Interior Ministry made a computer print-out available to Mahidol University's Hotline Center, the latter was able to crosscheck the two lists and eliminate duplication. The Ministry had neither the staff nor, some suspected, the will to put much time into a tracing effort. The eight centers, by contrast, took note of the original caller, called back every two weeks or so to check to see if the person had returned, and tried to obtain other names and numbers that might lead to information on the disappeared. Two weeks after the shootings, the Interior Ministry listed 517 as missing, the non-governmental centers 775. By late September, the numbers had been reduced to 227 for the Ministry of Interior and 277 for the Hotline Center. Of those 277 names, the Hotline Center had complete data on 93 cases and of those 72 were considered "very likely".

The working definition of a "disappearance" by the United Nations Working Group on Enforced or Involuntary Disappearances is as follows:

Persons...detained or abducted against their will, for whatever reason, by officials of any branch or level of government or by organized groups or private individuals acting on behalf of or in connivance with the government, followed by a refusal to acknowledge their arrest or detention and that as a result, such persons are placed outside the protective precinct of the law.²⁷

According to the Working Group, it is not necessary to demonstrate political motivation to establish that a "disappearance" has taken place, in part because proving

²⁶ The Foundation for Children, the National Institute for Development Administration, the Law Society, Ramkhamhaeng University, Chulalongkorn Students' Center, Thammasat Information Center, Students Federation of Thailand, and Mahidol University. The Hotline Center at Mahidol eventually became the coordinator of all tracing efforts under the able leadership of Dr. Kritaya Achanivat Kul.

²⁷ Report of the Working Group on Enforced or Involuntary Disappearances, January 24, 1990, U.N. Document E/CN.4/1990/13, p.8.

motivation is difficult and in part because disappearances often follow random arrests.

The disappearances in Thailand do not meet the U.N. definition. There was little suggestion that the army abducted hundreds of demonstrators and secretly detained them. The widely held assumption was rather that the army loaded bodies of dead demonstrators on to trucks and carted them away for secret burial to hide evidence of the extent of the killing (under some circumstances the clandestine disposal of bodies by security forces can also be classified as a "disappearance". But it proved extraordinarily difficult to try and gather evidence, in part because no one was sure how many people were actually missing.

The Problem of Numbers

Establishing a casualty toll is always difficult in situations of mass demonstrations, especially those in which violence erupts and panic ensues. People flee to escape the violence and may be fearful of returning home. Eyewitnesses who see injuries or deaths may not report them for fear of being identified themselves as troublemakers. Security forces may have an interest in keeping the numbers low. Witnesses who do want to report incidents often cannot identify the victims, fellow strangers in a huge crowd.

In Bangkok, the situation was particularly complex. The demonstrations had attracted people from all walks of life. Some had come to the capital specifically for the protests. Others were migrant workers from the provinces with no fixed address or, at least, no address known to their families back in Sisaket, Chiang Mai or Surat Thani. When families were unable to contact their children or spouses after the crackdown, they tended to assume the worst. In some cases, they would get in touch with a distant relative and ask the relative to search for their son or daughter, husband or wife, but the relative might not have known the missing person's habits or had any regular pattern of contact with him or her. In some cases, a family without a telephone would ask a neighbor or business associate to call one of the information centers to report a disappearance, but if their relative returned home, there might not be the same incentive to ask to make a call.

A second factor adding to the complexity and confusion was fear. When people called the non-governmental centers with information about disappearances, especially in the first few days, they were sometimes afraid to give their own names, fearing that they, too, might be branded as anti-government activists. The lack of names and false names made it difficult for volunteers to check back with the original informants.

A third factor, much less important than the first two, was the fact that a telephone hotline number to report missing people was an opportunity, never before available, for people whose friends or family had gone missing before the demonstrations to seek information about their whereabouts. In a small percentage of the cases reported to the non-governmental centers, there was no reason to believe that the missing person had ever taken part in the protests.

Assault and Harassment of Health Professionals

"Medical workers shall be respected, protected, and assisted in the performance of their medical duties (Code of Medical Neutrality in Armed Conflict, Article 2).

"Medical workers shall not be punished for providing ethical medical care, regardless of the persons benefiting from it, or for refusing to perform unethical medical treatment" (Code of Medical Neutrality in Armed Conflict, Article 4).

Although one doctor was shot in the line of duty, this incident may not be a clear violation of medical neutrality. The surgical resident was among the demonstrators looking for wounded but was not in uniform or engaged in a medical activity at the time. It is unclear whether she identified herself as a physician before being injured. On the other hand, two doctors present in the Royal Hotel when troops entered have testified that soldiers kicked them after they identified their profession. Soldiers forced doctors in uniform to lie on the floor. They also insulted their ethic of assisting those who were injured. They repeatedly questioned the physicians as to why they were helping those against the government, and also confiscated their identification and detained them for several hours.

Ambulance teams, which included doctors and nurses, were also assaulted. One ambulance crew from Siriraj hospital reported that police chased them away with gunfire.

Consequences of Violations of Medical Neutrality

Violations of medical neutrality contributed to the extent of morbidity and mortality during the violent crackdown. Obstruction of ambulances and disregard for the medical needs of the seriously injured significantly delayed or prohibited essential medical care. Inadequate transportation forced medical teams to use buses as ambulances to deliver 47 injured persons, two of whom died in transit. Given the severity of injuries, it is likely that more effective transportation could have saved lives and reduced morbidity.

VI. DISAPPEARANCES

In the immediate aftermath of the shootings, more than a thousand people were reported missing by friends and relatives. Within days, eight different centers were set up to receive information and begin tracing efforts.²⁶ Newspapers gave out fax and phone numbers of the eight centers, and the *Bangkok Post* began to publish a comprehensive list each Sunday of all those reported missing. The centers were deluged with calls. Staffed almost entirely by volunteers, they developed forms for taking down information and entered all names on a computerized database.

As noted below, the Interior Ministry also set up a system through local police stations for reporting disappearances. There was relatively little overlap between the names given to the non-governmental centers and those given to the government, but when the Interior Ministry made a computer print-out available to Mahidol University's Hotline Center, the latter was able to crosscheck the two lists and eliminate duplication. The Ministry had neither the staff nor, some suspected, the will to put much time into a tracing effort. The eight centers, by contrast, took note of the original caller, called back every two weeks or so to check to see if the person had returned, and tried to obtain other names and numbers that might lead to information on the disappeared. Two weeks after the shootings, the Interior Ministry listed 517 as missing, the non-governmental centers 775. By late September, the numbers had been reduced to 227 for the Ministry of Interior and 277 for the Hotline Center. Of those 277 names, the Hotline Center had complete data on 93 cases and of those 72 were considered "very likely".

The working definition of a "disappearance" by the United Nations Working Group on Enforced or Involuntary Disappearances is as follows:

Persons...detained or abducted against their will, for whatever reason, by officials of any branch or level of government or by organized groups or private individuals acting on behalf of or in connivance with the government, followed by a refusal to acknowledge their arrest or detention and that as a result, such persons are placed outside the protective precinct of the law.²⁷

According to the Working Group, it is not necessary to demonstrate political motivation to establish that a "disappearance" has taken place, in part because proving

²⁶ The Foundation for Children, the National Institute for Development Administration, the Law Society, Ramkhamhaeng University, Chulalongkorn Students' Center, Thammasat Information Center, Students Federation of Thailand, and Mahidol University. The Hotline Center at Mahidol eventually became the coordinator of all tracing efforts under the able leadership of Dr. Kritaya Achanivat Kul.

²⁷ Report of the Working Group on Enforced or Involuntary Disappearances, January 24, 1990, U.N. Document E/CN.4/1990/13, p.8.



On May 17, approximately 150,000 demonstrators gathered peacefully at Sanam Luang, a park in western Bangkok that has become the traditional gathering place for political demonstrations, before heading up Ratchadamnoen Avenue toward the Democracy Monument, where the violence began.



After the violence first erupted at about 10 p.m. on May 17, demonstrators managed to take over approximately ten fire engines. Police responded by beating an estimated 15 to 20 demonstrators with their nightsticks.



This demonstrator was struck by police batons near the fire station and Phan Fa Bridge. Police repeatedly struck unarmed victims in the head, chest and extremities. Most victims had to be carried from the scene and transported to hospitals by friends.



On May 18, the lobby of the Royal Hotel was converted to a field hospital by Thai physicians and nurses to treat the wounded demonstrators.



About thirty physicians, as well as nurses and medical students, organized the emergency medical unit in the Royal Hotel lobby. Approximately 120 to 150 people were given emergency care; 50 were seriously injured and about six died before being transported to the hospital.



Ambulance teams transporting wounded to the Royal Hotel lobby medical unit were reportedly chased away by police gunfire or blocked by troops who had sealed off the roads.



Thai health worker dresses head wound in front of the Royal Hotel on May 18.



Shortly after General Suchinda's resignation, Chamlong Srimuang, leader of the Palang Dharma Party and former governor of Bangkok, met with press before entering a meeting at the Parliament House. Chamlong had just been released from custody at the Ban Kaeng Police Academy. On May 18, he had been arrested for leading the demonstrations.

Analyzing the Lists

The Asia Watch/PHR team spent two and a half days at the Mahidol Hotline Center with an interpreter, going over some of the cases that had been confirmed as missing and trying to call the original informants.

We reviewed 36 cases that had been reported directly to the Hotline Center. In five cases, the missing person had returned home by the time we called (June 29-30), including a young woman named Kularb Thongkachorn whose disappearance received worldwide attention.²⁸ Most of those reported missing had been living in Bangkok in May, although some were migrant workers who had come to the capital to look for work, one as recently as May 13. We do not know if these cases represented a cross-section of those still missing in late June. Most were young single males. Over 70 percent were under 30; 11 percent were women. Just under half were either itinerant laborers or involved in factory, construction or mechanical work. Students and professionals each accounted for 14 percent of the total. In 40 percent of the cases, there was no hard evidence that the person had been at the site of the demonstrations on May 17-20. In one case, a person had been missing for two years; in most of the others, they had last been seen between May 4 and May 15 by the person who reported them missing, and were assumed to have joined the protests. In one case, a man had last been seen on May 17 leaving Bangkok to look for work in Chiang Mai; he reportedly did not meet his prospective employer in Chiang Mai, but there is no reason to assume therefore that he had been caught up in the protests and killed.

In only a quarter of the cases we reviewed did the original informant who reported a person missing have frequent and regular contact with that person and therefore reason to know relatively soon whether he or she had returned home.

Of the cases we reviewed, three in particular are worth noting. Both involve young men known to have been at the demonstration. In one case there is a strong reason to believe he may have been killed; in the second two, the cases are much weaker.

1. S na L, 27, was a young man whose family was from Hang Chat, Lampang (northern Thailand). He worked for a furniture-making company but had resigned on April 30 to spend all of his time in political activity. He had been active in demonstrations beginning May 4. On May 17 at 12:00 p.m., S called his elder sister and told her he was going to Sanam Luang because he wanted to fight against the military junta. He and six friends went together by bus. Of the seven, three came back. One of them told the sister that between 7 and 8

²⁸ Featured in a *New York Times* story, Kularb had called home on May 19 on a mobile phone and said she was trapped at Sanam Luang, surrounded by the military and could not get home. The line was then broken and her parents did not hear from her again until mid-June. It turned out she had gone to stay with friends.

p.m., the whole group was sitting directly across the stage from Chamlong near the Democracy Monument. They were separated around 10 p.m. The sister went to one of the friends' house to watch television reports to see whether she could spot her brother. She checked at about seven hospitals in Bangkok and also went to Rum Katunyo, the Chinese foundation that picks up corpses off the streets, usually of accident victims. The foundation had five corpses when she went there, but none of them were her brother. (She thought all had died from the May events.)

On May 29, she went to the Cheno Songklam police station and the police told her to register with the Minister of the Interior, which she did. The same day she reported her brother's disappearance at the Somranla police station. She reported to the Hotline on June 18 and on June 29 had an interview with the military. Their father, meanwhile, is trying to work on the case from Hang Chat, and has also notified the Solidarity and New Aspiration Parties.

The sister usually saw S na L once a week, so it was particularly disturbing when he failed to appear by the end of June. She suspects that he might have been killed.

2. S.K., a single male, is from Chanthaburi (southeastern Thailand). He worked as an occasional freelance reporter writing travel features, but spent most of his time running a lychee farm near Chiang Mai. (He graduated from Chulalongkorn in communication arts, then obtained a master of arts degree in philosophy at Silpakorn in 1990.) When he came to Bangkok, which was only two or three times a year, he invariably would call one friend. On May 18 around 9 p.m., S.K. called the friend to say he was in the demonstration and that there were gangs taking over buses in the middle of Ratchadamnoen Avenue. He promised he would come over to see her the next day but he never showed up. The friend reported him missing on May 29. He might have returned to Chiang Mai but she had no way of telephoning him there. On July 1, she suggested we write to the village head in the area where the lychee farm was located. She did not report the disappearance to any police station, although she did check three or four hospitals. Before this case is treated as a possible disappearance, someone would have to confirm with the village head that S.K. had not returned to his lychee farm. The fact that he did not show up for the meeting on May 19, given the chaos in Bangkok, is not necessarily cause for alarm.

3. S.P., 17, was reported missing by his father after the latter ran into him by chance at Sanam Luang on May 17. S.P. promised to visit his father in two or three days, but never did so. In this case, there is another possible explanation for his failure to do so. S.P. came from a troubled background. His father, an electrician originally from Kalasin but who has worked in Bangkok for the last 20 years, separated from S.P.'s mother nine years ago. At the time, S.P. was sent back to Kalasin to go to school, but he was a difficult child who frequently misbehaved. In November 1991, after S.P. finished the ninth grade, his father brought him back to Bangkok, intending to enroll him in a vocational school. S.P. ran away as soon as they reached Bangkok and his father did not see him again until the chance encounter in Sanam Luang. S.P. had seen his brother, however, in April, and told him at the

time that he was working in a textile factory in Thonburi. Neither the brother nor the father knew S.P.'s address, the name of the factory nor any of S.P.'s friends. It is not clear S.P. had any intention of visiting his father as he had promised, especially since he had run away from him more than six months earlier and had not tried to contact him.

Where the Bodies Could Be

The effort to find the bodies was clearly made more difficult when the number of bodies being sought was so unclear. If in fact the army had taken away truckloads of bodies, there were three possible explanations for where they could be: in prison, in hospital or buried.

Prisons

No one we interviewed in Thailand thought that any significant proportion of those reported missing were actually alive and in custody, and almost everyone took it for granted that all those arrested during May 17-20 had been released after the amnesty was declared on May 23. We saw no reason to doubt that most of those arrested had been released, but it is worth noting that it was almost impossible to confirm releases as no one knew for sure who had been arrested, and no independent organization had access to police stations or other places of detention.

Over 3,000 people were rounded up by security forces and taken in trucks, mostly to Ban Kaeng Police Academy. Some of them, mostly young men, gave false names upon arrest. When they arrived at the Academy, officials started to register them, beginning by calling the people whose names began with the first letter of the alphabet. The numbers were so huge and the registrars so few that people whose names began with "S" or "T" were never called. There was thus no list of those detained which could be checked against those released.

The Law Society made a noble effort to check with local police stations to ensure that those arrested during the May 17-20 period had been released, but they had to rely on lists of names provided by the police station; no one was allowed actually to enter police lock-ups and do a headcount. Asia Watch and PHR understand that no one in Thailand has access to prisons or lock-ups or any other detention facility.

Even after the police announced on June 6 that all 3,592 people arrested in connection with the demonstration had been released,²⁹ there was still some question as to whether some of those arrested on criminal charges, during or immediately after the demonstrations, might in fact have been detained for political reasons.

²⁹ *Bangkok Post*, June 7, 1992.

This was brought to the attention of the Asia Watch-PHR delegation by a letter sent to the Mahidol Hotline Center from a prisoner in Lad Jao Detention Center outside Bangkok on June 15. He said he had been arrested on May 19 while he was running in front of Central Hospital at 6 a.m.. He said he had been at the Democracy Monument and had found a pistol as he was running away. He was arrested for illegal possession of firearms and was going to be brought to court on July 1. He claimed he should have been included in the amnesty; the fact that he was not raises questions about what criteria were used to determine whether someone had actually participated in the demonstration. Clearly everyone arrested between May 17-20 was not released, or this man would have been included. On the other hand, presumably some criminal acts occurred in those three days, as they do on most other days during the year, and non-political arrests took place. We asked the Law Society whether anyone had tried to check lists of those arrested on criminal charges over the three-day period against lists of those missing; it was not clear whether the lists they obtained from police stations included suspected criminal offenders.

Again, however, it seems clear that even if a few people arrested in connection with the May 17-20 events remained in prison, their presence would not account for all those still reported missing.

The Hospitals

Many of the bodies brought to hospitals around Bangkok remained unidentified for weeks, but by late May, there were reportedly only five or six remaining in hospital morgues. The Hotline Center asked the cooperation of the government to collect photographs of all unidentified bodies but to no avail. At its own expense, the Center sent a medical student around to the morgues with a camera and took the photographs. It then issued a press release with the photographs on May 27. In at least one case, it appears that a false claim to one body was made in an effort to obtain compensation.

Due to a lack of time, we were unable to question hospital emergency rooms about what kind of vehicles had brought in the dead and wounded. In many cases, hospitals had sent out their own ambulances; one report we received of a military vehicle picking up bodies proved to be of an ambulance from the King Mongkut army hospital, but we were unable to verify that an ambulance with the number of dead and wounded reported did in fact arrive at the hospital. (Official casualty figures from King Mongkut could account for the numbers mentioned by our source.) The one military hospital that did not cooperate with non-government organizations trying to collect information on the disappeared was the Bhumipol Air Force hospital.

There is no strong reason to believe, however, that incomplete disclosures from the hospitals in and around Bangkok could substantially resolve the question of the missing.

Burials

There was an endless stream of rumors throughout June about where bodies of demonstrators, allegedly carted off by the military, might be buried. Rumors abounded of military trucks carrying away bodies, but few eyewitnesses willing to step forward and testify could be found. Skeptics suggested that with the saturation of press coverage of the demonstrations and their aftermath, it was odd that no real evidence of these trucks was forthcoming. We note that conditions of chaos and fear were such that it was possible that military vehicles moving up side streets off Ratchadamnoen Avenue, after indiscriminate firing sent people running inside, could have picked up some bodies without eyewitnesses either seeing, or feeling free to report information, about such incidents.

The Asia Watch/PHR team was aware of four different reports of removals. We cite these simply as an indication of the inconclusive nature of the available evidence as of the time of our visit in late June. It may be that other, more definitive evidence will eventually emerge, that eyewitnesses will be more willing to come forward as time passes, or that the transfer of key military commanders may make junior officers more willing to state what actually happened. The fact that these four accounts were inconclusive does not mean that bodies were not carted away by the truckload or that mass graves do not exist. But we were unable to collect sufficiently detailed information to prove the contrary.

One piece of evidence that attracted much attention from the Thai media was a photograph presented to the special committee in the Thai House of Representatives which showed a truck thought to belong to the Border Patrol Police (BPP) carrying away the bodies of four dead protesters. BPP Police Commissioner Police Lieutenant General Chatchai Chaiarun claimed the four on the truck were only wounded, and were taken to the Royal Hotel for medical treatment.³⁰ General Chatchai's credibility was undermined since he told the committee that the BPP had only been armed with batons, while the photograph showed clearly that the soldiers on the truck were carrying M-16s.

A second widely held suspicion was that many bodies were taken to the Wat Dorn cemetery where the Rum Katunyo Foundation buries unidentified or unclaimed accident victims. In at least two cases known to us, those suspicions have proven accurate, but we are not aware of hard evidence of mass burials there.

One case that was reported in the Thai press involved a young department store clerk and pro-democracy demonstrator named Chalernpol Sunkhaem, aged 20. He had left his parents' house about 7:30 p.m. on the evening of May 18 and did not return. His parents began looking for him on May 20 at hospitals around Bangkok and at the Ban Kaeng police academy. After a month of fruitless searching, his mother called the Ministry of Social

³⁰ Bangkok Post, June 28, 1992

Welfare and learned that there were five unclaimed bodies at two of the hospitals where the parents had not looked, Lerdsin and King Mongkut, the army hospital. The next day, Chalernpol's father went to Lerdsin. He was able to identify his son from photographs there, but was told by the hospital morgue worker that the body had been taken by Po Tek Teong on June 1 and buried at Wat Dorn in grave number 584. The essential details of this case were relayed to us by a worker at the Mahidol Hotline Center before the press articles appeared.

According to the magazine *Kao Piset*, the morgue worker told the father that Chalernpol had been killed by a bullet to the head, but the official cause of death was "brain damage." The father managed to get a written document from a doctor at Lerdsin that, indeed, his son had died of a gunshot wound inflicted on May 18, and the death certificate was amended accordingly.

The Asia Watch/PHR team received conflicting reports about how many bodies were picked up by Po Tek Teung and Rum Katunyo, a similar foundation, on May 17-20. A staff member of one of the eight centers collecting information on the disappeared told us that Po Tek Teung had collected 30 bodies (another source told us 20), but some of them were accident victims, and it was impossible to say how many were victims of army fire. There were reports, which we were unable to confirm, of Po Tek Teung being prevented from picking up bodies in some areas during those three days.

A third account was given by an eyewitness interviewed by the Asia Watch/PHR team who saw an ambulance from the army hospital pick up six bodies near Phan Fa bridge about 4 a.m. on May 18. He thought three might have been dead and three were wounded. But official statistics provided to the government investigation commission indicated that five died at the army hospital, and the three bodies could therefore have been accounted for in the official death toll.

A fourth account comes from a young academic who lives about 16 kilometers north of the Bangkok airport near the Asian Institute of Technology (AIT) campus. Between the airport and AIT there are three other universities: Sarangsit University (owned by House Speaker Arthit); Bangkok University, which is only 5 kilometers from AIT; and the arts and humanities faculty of Thammasat. Thus, there are four universities within a 10 kilometer strip. An industrial belt has been building up along both sides of the express highway over the last five years, and one of the plants is a bone factory, for making bonemeal. Our source said he and his friends were used to seeing truckloads of animal carcasses being hauled to the plant.

After the demonstrations started on May 17, the military put up barricades along the highway, designed essentially as speed breakers. Soldiers also began stopping and searching buses coming into Bangkok (not the other way), clearly on the look out for potential demonstrators.

Between the airport and the AIT campus, there were two minor checkpoints and a major one, manned by the military, not the police. Traffic had to slow down by the minor checkpoints and had to stop, with passengers searched, at the major one. They operated around the clock. One of the minor checkpoints was just in front of Bangkok University.

Our source was going back into the city from the AIT campus with two friends at about 7:30 p.m. on May 19, on a passenger van that carries about 10 people. Traffic was backed up for about one kilometer before the Bangkok University checkpoint, and our source assumed that the minor checkpoint had turned into a major one and all vehicles had to stop. Rather than stay in the van, he and his friends got out and started walking toward the checkpoint to see what was going on. It was "more or less dark." As they drew closer, they found that the traffic jam was due not to the checkpoint but to a minor accident: an 18-wheeler military truck had skidded off the road, and soldiers were trying to get it back on. The front part of the truck was fully on the road; it was the back section which was off the road, sloping down an incline. A tarpaulin covered each section, and the front tarp stayed securely sealed. But the accident had dislodged the back tarp, and it was flapping in a slight breeze.

Many people were standing around, whispering that there were bodies inside. At that point, the three friends were about 1/4 of a kilometer away from the truck. They got closer and first thought the truck was carrying more carcasses to the bonemeal plant. Then they decided they were seeing bodies, although they acknowledged they were "mentally prepared" to see bodies because of the widespread rumors. One soldier was desperately trying to hold down the tarp, but he was needed to help shift the back section back on to the road, and had to leave his post. Because the back section of the truck was sloping down, the bodies had fallen forward, and our source said he could easily make out that they were human, not animal. "It looked like a few people sleeping." The closest he got was standing on the central divider of a six lane highway, looking across three lanes at the truck in the far right lane. He could not read the license plate, and the military would not let him take pictures. The only evidence the truck was a military truck was the presence of fifteen soldiers escorting it; otherwise, it resembled the trucks that normally entered the bonemeal plant, but those were not accompanied by soldiers.

The incident warrants further investigation but it is not conclusive evidence as it stands.

Rumors of Burial Sites

If no credible explanation has yet emerged that would account for the removal from the scene of the shooting of the hundreds still missing or for the deaths of motorcyclists elsewhere in the city, there have been numerous rumors of where the unknown number of bodies might be buried.

One of the first and most persistent rumors was that bodies had been taken to military installations. One report indicated that bodies had been buried near Chon Kai Hill behind a territorial defense student camp run by the army's Ninth Division. The only evidence appeared to be that witnesses had seen bulldozers working in the area shortly after the shootings, but the army said there was a construction project underway to build lodgings. Similar rumors surfaced in June 1992 about burial sites near the 11th Division's base at Bang Kaeng; foreign and domestic journalists were invited in and told they could dig wherever they liked. Nothing was found.

On June 18, Dr. Pradit, chair of the subcommittee investigating disappearances for the government commission, told the press that he had information that the bodies were buried at military installations in Bangkok and the provinces. His disclosure caused an uproar and led to serious threats against Dr. Pradit and his family, but no further data was forthcoming. Others suggested that there were mass graves in Chanthaburi, Lop Buri, Prachinburi and Surin, but again, no hard evidence emerged to substantiate the claims.

Opposition politician Chalerm Yubamrung stated on June 26, 1992 that he had been told by a Karen (an ethnic group living along the Burmese side of the Thai border) that the bodies of 700 protesters were dumped by aircraft into the forest along that border a few days after the crackdown. The allegation was never substantiated. There were also unsubstantiated reports of bodies being dropped from a helicopter near the Thai-Cambodian border.

VII. INVESTIGATIONS

Many fact-finding missions and investigations took place after the shootings. On May 28, the House of Representatives, the lower house of the Thai parliament, set up a 45-member committee to probe the events and gave it 45 days to complete its task. On May 29, Acting Prime Minister Meechai Ruchupan appointed a 14-member government investigation commission headed by former Supreme Court President Sophon Rattanakon. On May 30, the Interior Ministry announced the establishment of a "relief center" for victims of the crackdown, which among other things would compile facts and figures; people with missing relatives could report to their local police stations and the information would be relayed to the center, which would then look for the people in question.³¹

Other efforts had more direct involvement of the security forces. The police formed their own investigating committee under Police Lieutenant General Sanan. On June 18, yet another investigating committee was formed by the Ministry of Defense, chaired by Deputy Permanent Secretary of Defense, General Pichit Kullavanijaya, which held its first meeting on June 26. On August 4, a new committee comprising members of the armed forces, police and Interior Ministry was set up, specifically to look for the disappeared. In addition to these groups, eight non-governmental organizations and professional associations, led by Mahidol University's Hotline Center, were involved in efforts to trace the missing, and at least five international organizations sent delegations to Thailand in the wake of the shootings: the International Commission of Jurists; a coalition of six Asian organizations led by Jose Manuel Diokno of the Regional Council for Human Rights in Asia; Amnesty International; the Lawyers Committee for Human Rights; Asia Watch and Physicians for Human Rights.

All of these investigations concluded that the security forces had used excessive force. However, the nature of the inquiries and recommendations of the four Thai government committees' was different in each case.

1. The House Committee

The House Committee was the first to emerge and the first to disband, as it dissolved along with Parliament on June 30, 1992. It was charged with investigating five areas: the causes of the crisis; the government's handling of the crackdown; the distortion of the news; the fate of those killed, wounded or missing; damage to public and private property; and the role of the House of Representatives. It had neither subpoena nor prosecutorial powers, but it managed to unearth some potent information nonetheless.

³¹ *Bangkok Post*, May 30, 1992.

Some two and a half weeks after it was formed, the House Committee called Supreme Commander Kaset Rejanamil, Army Chief Issarapong Noonpakdee and former Interior Minister Anan Kalinta to testify. The first two refused to appear in person, but on June 16, both sent statements saying the use of force against the protestors had been justified. Kaset said he had used his authority as head of the Internal Peace-Keeping Command to quell the riot and to prevent it from escalating out of control and doing further damage. (He later said he refused to appear before the Committee because he might have faced "biased" questions from a panel that was not neutral.³² Issarapong echoed his comments, noting that military actions had been "prudent" and aimed only at achieving "peace and unity."³³ He also cited the need to protect both the economy and the monarchy.

A few days later, the Committee called in Police Director General Sawat Amornvivat. He testified that on May 8, over a week before the massacre, former Deputy Interior Minister Virote Pao-In had been appointed by Kaset to assume responsibility for dispersing demonstrators. From that point on, police took their orders from Virote, although General Sawat said he had instructed his men not to carry arms. On June 2, General Sawat said he found in his office an order apparently backdated to May 14 (three days before the shooting started) revoking the order regarding Virote.³⁴

The Border Patrol Police Commissioner, Police Lieutenant General Chatchai Chairun, also testified that it was General Issarapong and First Division Commander Major General Thitiphong Jennuwat who had ordered his units to arm themselves to "crush pro-democracy demonstrators" after May 17.³⁵ General Issarapong was acting in his capacity as head of the Capital Security Command.

On June 24, the House Committee issued its first report to the full House of Representatives, calling for the Internal Peace-keeping Law No. 2519 (1975) to be abolished. This law that had enabled Suchinda, Kaset, Issarapong and Kalinda to declare a State of Emergency and use lethal force to put down the protests. It was the existence of this law, more than any other single factor, the Committee concluded, that had led to so many unnecessary deaths. The Committee also concluded that the protests had been largely peaceful, that the broadcast media had distorted the news, and that anti-riot training was needed for the security forces.

2. The Government Committee

The 14-member panel appointed by Acting Prime Minister Meechai also lacked

³² *The Nation*, June 27, 1992.

³³ *Bangkok Post*, June 17, 1992.

³⁴ *Bangkok Post*, June 20, 1992.

³⁵ *Bangkok Post*, July 1, 1992.

subpoena powers and saw its primary duty as fact-finding, not criminal investigation.³⁶ It was to report to the Prime Minister after an unspecified time; the Prime Minister could then order prosecutions. The panel was divided into seven subcommittees. Their focus, and their respective chairs, were as follows:

- the arrest of demonstrators: Somphon Klinphongsa
- government officials involved in the crackdown: General Bunchop Bunnag (later appointed Defense Minister)
- role of the press: Manit Suksomchit
- demonstration organizers: Chusak Sirinin
- missing, wounded and killed: Dr. Pradit Charoenthaithawi
- property damage: Nongyao Chaiseri
- prevention of future incidents: Phaisit Phipathanakun

Much of the attention was focused on the work of Dr. Pradit, physician to the royal family and rector of Mahidol University, as the most politically and emotionally charged issue was what the fate of the disappeared. The Pradit subcommittee worked closely with the non-governmental Hotline Center at Mahidol University but also amassed evidence on its own. On June 18, Dr. Pradit reported to the press that he had been told by military officers that the bodies were buried at military bases. He did not offer hard evidence. That announcement resulted in a rash of threats to Dr. Pradit, his teen-aged daughter and his wife, that led to his resignation on June 24.

Following Dr. Pradit's resignation, the commission seemed to rely more on the Interior Ministry and less on the non-governmental organizations for figures on the missing, although on July 7, Prime Minister Anand ordered the police department to cooperate more with private centers "to check whether police information submitted to the government contradicts their information." He also ordered the Interior Ministry to intensify its search for the missing by contacting the homes of all those reported disappeared.³⁷

The government commission was generally regarded as less critical of the military than its parliamentary counterpart. Perhaps reflecting that fact, Generals Kaset and Issarapong did appear in person before the commission on July 2. Afterwards, commission chair Sophon Rattanakorn told reporters that the use of force against the demonstrators had been "procedurally correct" and appeared to exonerate General Suchinda, saying he had only implemented the peace-keeping plan but had not issued specific orders. His remarks caused an outcry among opposition leaders.³⁸

³⁶ *Bangkok Post*, June 5, 1992.

³⁷ *The Nation*, July 8, 1992.

³⁸ *The Nation*, July 4, 1992.

The full 270-page report of the Sophon commission was submitted to the Prime Minister in mid-August and published on September 25, 1992. It concluded that excessive force had been used and that the casualty figures were 52 dead, 36 "crippled", 120 seriously injured and 115 confirmed missing. (At the same time, the Interior Ministry reported it still had 207 on its list of missing, and the Hotline Center reported 288.) The report placed no blame on individuals but noted that both Suchinda and Kasit had approved the implementation of "Destroy the Enemy" plans. It also said that the use of "upcountry" troops who were inexperienced and poorly informed about the nature of the protests contributed to the confusion. It concluded, "the shooting, intentional or unintentional, was a mistake."³⁹

The report contained several important recommendations, which were relayed to Asia Watch/PHR as follows:⁴⁰

1. In the future, the Ministry of Defense should be required to consult with the Cabinet before it would be able to use force against civilians, even in cases of emergency.
2. The Thai government should seek advice from other countries on crowd and riot control, especially on the use of less lethal measures.
3. The role of the military should be limited in the suppression of riots, a task which should be left to police. If soldiers need to be called in, there should be some mechanism in the chain of command to ensure control over the soldiers at the operational level.
4. Human rights courses should be taught in schools, universities and training institutes and to soldiers, police and administrators at every level.
5. There should be particular emphasis placed on freedom of assembly and speech so that people understand there are other, less violent ways of airing grievances.
6. The National Security Protection Law should be revised and those making crucial decisions on crowd and riot control should be more thoroughly screened.
7. Police should be given more training, support and equipment for riot control.
8. The mass media should be encouraged to play a role in providing correct information at all times but especially during times of emergency.

³⁹ *Bangkok Post*, September 26, 1992.

⁴⁰ These recommendations were relayed to Asia Watch/PHR by a journalist attending the press conference at which the investigation committee's report was announced. They are not taken from an official transcript.

9. The government should regularly report the number of those killed, wounded or missing and publish the names.

10. Military plans for dealing with internal security problems should be revised.

11. There should be tougher penalties for those who lead coups or otherwise try to seize power through illegal means.

By the time the Sophorn report was published, Prime Minister Anand had already taken several key steps toward curbing military power. These included removing the top three military officers from active positions; abolishing the Internal Peace-Keeping Law; revoking an order making the Supreme Commander the internal peace-keeping commander; and dissolving the Capital Security Command. Responsibility for dealing with internal unrest was handed over to the Interior Ministry.⁴¹

3. The Defense Ministry Investigation

The Defense Ministry committee was set up only after General Banchob Bunnag, the new minister appointed by Prime Minister Anand, took office. (Bunnag had been a member of the 14-member government panel, above). Panel members included assistant commanders-in-chief of the army, police and air force; the judge advocate general (military prosecutor); and director general of the Secretariat Department. It was to have only two weeks to complete its work.

Many observers believed an investigation by the Defense Ministry, regardless of the good reputation had by the new minister, was meaningless as long as Kaset and Issarapong remained in power. But the Bangkok press reported that the military reshuffle on August 3, leading to the replacement of Kaset and Issarapong by generals believed more committed to the democratic process, was prompted by recommendations in the final report of the Defense Ministry investigation committee.

In an interview with the *Far Eastern Economic Review* on August 3, Prime Minister Anand said,

The [Defense Ministry] report, which I have no reason to argue with, was quite clear cut on the following: first, that the commanders, or whoever was responsible for issuing orders, were acting in accordance with the procedures as they existed then under the old legal framework. Secondly, the procedures led to some rather unsatisfactory results and the conclusion was that there were errors of judgment on the part of the

⁴¹ *Bangkok Post*, July 11, 1992.

commanders. And third, that because of the errors of judgment certain changes be made in regard to certain individuals quite soon which would demonstrate that those people would be made to accept responsibility.⁴²

When asked in the same interview whether officers should be put on trial, Anand replied, "The report did not say they acted illegally, so on what basis could they be put on trial?"

4. The Armed Forces-Interior Ministry-Police Committee

The decision of Prime Minister Anand in early August to set up a new, 20-member committee specifically to look into disappearances reflected public discontent that the government was moving too slowly to trace the missing. The newly appointed committee is divided into three subcommittees. The first will investigate cases of missing people, the second will investigate suspected burial areas, and the third, a public relations subcommittee, consists of one person who is designated to speak for the entire committee. The officers who replaced Kaset and Issarapong pledged full cooperation and noted that for the first time, low-ranking soldiers would be interrogated. As of late September, it was too early to evaluate how well the committee was carrying out its task.

⁴² "Interview/Anand Panyarachun", *Far Eastern Economic Review*, August 13, 1992, p.9.

VIII. THE ISSUE OF THE AMNESTY DECREE

The Thai government under Prime Minister Anand and the Thai parliament moved quickly to investigate the events of May 17-20, and Prime Minister Anand in particular deserves credit for moving key commanders from positions of direct control over security forces.

But from the very beginning, accountability was blocked by the existence of an amnesty executive decree issued by General Suchinda shortly before his resignation and signed by the King. Despite the fact that the decree gave amnesty to "all offenders," it seemed designed primarily to protect military officers from prosecution. Moreover, the circumstances under which it was issued were highly unusual. There had been general amnesties before, but they were usually presented as legislative bills and passed by the National Assembly. In a national emergency, an executive decree is sanctioned under Article 172 of the Constitution if the security situation warrants:

Paragraph 1: If it is necessary to uphold the security of the country and protect the general public or to maintain the country's economic stability, or to alleviate the effect of public disasters, His Majesty the King will sign a royal decree that has the same legality as an act of Parliament.

Paragraph 2: The signing of a royal decree, as set out in Paragraph 1, can be carried out when the Cabinet considers there is an emergency situation which warrants the urgent issuing of a decree, and when there is no alternative possibility.

Thus, an executive decree needs approval of the full Cabinet before it can be signed by the King and formally promulgated.

On May 22 at midnight, one day after the Cabinet had agreed to go through the more usual parliamentary channels, a circular with a copy of a draft executive decree was sent to selected Cabinet members with instructions that any objections should be raised within 24 hours. The fact that not every member of the Cabinet was consulted was another factor raised by the opposition in challenging the decree's legality.

After the subsequent drafting and promulgation of the decree on May 23, the opposition was swift to challenge its legality and appealed the next day to the Constitutional Tribunal, a body set up under the 1992 Constitution, to examine its constitutionality.

On May 25, General Chaovalit, now a key opposition leader, presented the president of the National Assembly with a letter signed by 141 M.P.s asserting that the decree was illegal because there was no state of emergency. The Tribunal then began an investigation

into whether the circumstances under which the decree was promulgated constituted an emergency and therefore justified the decree. The Tribunal's work was briefly thrown into disarray by the dissolution of the House of Representatives on June 30, since the deputy president of Parliament automatically served as chair of the Tribunal. It was decided, however, that the speaker of the Senate, Meechai Ruchupan, would take over as chair.

On July 22, 1992 the Constitutional Tribunal ruled that the decree was legal. The decree must now be forwarded to the House of Representatives elected on September 13. If the House rejects it, it may still be difficult to prosecute officers responsible for human rights offenses because legally, according to scholars of Thai law, the amnesty cannot be revoked retroactively, even if the decree on which it was based is later found to be unconstitutional. If the House reaffirms its legality, it will go to the Senate for final approval, which is a virtual certainty.

Asia Watch and Physicians for Human Rights believe the issuance of the amnesty decree violated the key principle of holding human rights violators accountable for their offenses. We are not opposed to amnesties in such *per se*. We are opposed to granting amnesties before full, thorough and impartial investigations are undertaken, their results are made public with people named and the most culpable offenders are prosecuted. In other words, the decision to grant an amnesty should be taken only after the nature of the offenses of those involved has been established and the principle of accountability has been affirmed.

The fact that Suchinda, Kaset and Issarapong as well as several lower-ranking officers have been removed from positions of direct authority over troops and political decision-making is welcome, but it is not a substitute for finding out exactly what they ordered, when they ordered it, which units were involved in the shooting and whether their actions establish critical liability.

IX. CONCLUSIONS

There is strong evidence that the Suchinda government intended to use force against the demonstrators even before the protest turned violent. The "Destroy the Enemy" operation appears to have been planned well in advance, and police appear to have been prevented from using non-lethal crowd control equipment. It is clear that security forces intentionally fired on and killed many unarmed demonstrators and inflicted savage and gratuitous beating on hundreds of others. Obstruction of health care contributed to the deaths and injuries and witnesses consistently testified that military and police obstructed ambulance services and disregarded the medical needs of the seriously wounded. Soldiers also assaulted and harassed medical personnel and interfered with the discharge of their professional duties.

As noted above, the number of people missing and their whereabouts continue to be vexing problems. Even though Prime Minister Anand acknowledges that many of the people are probably dead, resolution of this issue must be given top priority by the new government.

The amnesty decree of May 23, 1992 has obstructed efforts to get at the truth and lifted pressure on members of the military to tell what they know to avoid prosecution. The newly elected House of Representatives will have one more chance to reject that decree which has been declared constitutional by the Constitutional Tribunal. Even if overturning the decree would not lead to criminal indictments, it is still important in principle for the House to affirm that military officers are not above the law.

Prime Minister Anand deserves credit for his efforts to dismantle the structures that helped make the May tragedy possible: the Internal-Peacekeeping Force and the Capital Security Command. Both were effectively dissolved on July 9, 1992 when Anand revoked an executive order by which the Supreme Commander of the Armed Forces had automatic command of the Internal Peace-Keeping Forces. Anand's transfer of key military commanders to "inactive" posts and his efforts to broaden ownership of the broadcast media to enable more independent reporting of events are also praiseworthy.

It is now up to the new government elected on September 13, 1992 to continue the process of instituting safeguards to ensure that the sequence of events on May 17-20, 1992 will not be repeated. To this end we recommend the following:⁴³

1. The results of the investigation of the Defense Ministry should be made public, and outstanding questions, such as which specific military units were involved in the shooting and which soldiers aimed to kill, should be resolved. The existence of the amnesty decree hinders but should not discourage continued efforts by an investigative commission with full

⁴³ Many of these recommendations are drawn from the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, the so-called "Minnesota Protocol."

subpoena powers. The government should make the necessary resources available for such a commission.

2. In accordance with international standards requiring governments to ensure that anyone involved in summary executions within their jurisdiction be brought to justice, the newly elected House of Representatives should enact legislation making a blanket amnesty in cases of suspected summary executions illegal unless the House is satisfied that a full and impartial investigation has been undertaken, the results made public and the most culpable are prosecuted.

3. Any law enforcement officers involved in crowd control efforts should be required to be in uniform, with clearly legible badges giving their name and a unique number, so that eyewitnesses or civilians who wish to file complaints can more easily identify them. Soldiers and police should also be required to report every incident in which a shot is fired, stating the reasons for the incident. If the gravity of the situation requires troops to be brought in, they should report to police captains, not military commanders. There should be careful records kept of the whereabouts of these troops.

4. All efforts should be made to find the missing. In this regard, the new 20-member committee should work closely with the Mahidol Hotline Center and undertake a systematic tracing project of the "most likely" cases and facilitate the Hotline Center's efforts to gather key documents, photographs and other records that could be used for identification purposes, in the event that bodies are eventually discovered. Since a combined governmental and non-governmental effort is essential to finding the truth, the police and other security agencies should make available to the Hotline Center any information they have that could shed light on the missing.

5. It should be illegal under Thai civilian and military law to dispose of bodies without appropriate death investigations, including autopsies, and as the Minnesota Protocol states, "those conducting [the investigations and autopsies] must be able to function impartially and independently of any potentially implicated persons or organizations". Therefore, Thai medical services should refer all cases that are potentially criminal in nature to a central forensic investigative institution.

6. Military and police in Thailand should be trained in international standards on the use of lethal force and firearms, and the necessary reporting and review procedures contained in their standards should be established.

7. Military and police in Thailand should be trained in the principles of medical neutrality in order to ensure humane treatment of and access to medical care for all victims in times of internal strife.

8. If and when suspected mass burial sites are found, no exhumation should take place until

appropriately trained forensic experts can take part so that key evidence is not lost or damaged.

9. Full freedom of expression should be guaranteed by law, and dissemination of information about political events in the print and broadcast media should take place without interference from the military.

10. Every effort should be made to recognize and support the work of the Thai non-governmental organizations and professional associations whose members came to the aid of victims and their families and whose persistence and dedication is helping to get at the truth.

APPENDICES

Appendix #1 State of Emergency

Thailand's State of Emergency Act of 1952 empowers the government authorities to:

1. Enter any place from dawn to dusk to conduct searches
2. Detain anyone suspected to be a threat to national security
3. Ban all unauthorized gatherings
4. Ban publications whose contents are considered to be detrimental to national security of public peace and order
5. Prohibit anyone from leaving the country on grounds of security

Appendix #2

Code of Conduct for Law Enforcement Officials

(Adopted by General Assembly resolution 34/169 of 17 December 1979)

Article 1

Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5

No law enforcement officials may inflict, instigate or tolerate any act of torture or other cruel, inhumane or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhumane or degrading treatment or punishment.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall

also, to the best of their capability, prevent and rigorously oppose any violation of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Appendix #3

BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS

[These Principles were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba, on 7 September 1990. The United Nations General Assembly subsequently welcomed these Principles in its Resolution 45/121 of 14 December 1990 and invited all governments to be guided by them in the formulation of appropriate legislation and practice and to make efforts to ensure their implementation. The text of the Principles is set out below.]

General provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Special provisions

9. Law enforcement officials 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, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, 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.

10. In the circumstances provided for under principle 9, 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.

11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

- (a) Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;
- (b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;
- (c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;
- (d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;
- (e) Provide for warnings to be given, if appropriate, when firearms are to be discharged;
- (f) Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

Policing unlawful assemblies

12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Policing persons in custody or detention

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

Qualifications, training and counselling

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law

enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

Reporting and review procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

Appendix #4

CODE OF MEDICAL NEUTRALITY IN ARMED CONFLICT

(These standards established by the International Committee of the Red Cross are based on rules and principles concerning medical neutrality set forth in the four Geneva Conventions of 1949 and their two additional protocols of 1977, and apply to all situations of international and internal armed conflict.)

1. Sick and wounded combatants and civilians shall be protected, treated humanely, and provided with medical care without delay.
2. Medical workers shall be respected, protected, and assisted in the performance of their medical duties.
3. The sick and wounded shall be treated regardless of their affiliations and with no distinctions on any grounds other than medical ones.
4. Medical workers shall not be punished for providing ethical medical care, regardless of the persons benefiting from it, or for refusing to perform unethical medical treatment.
5. Attacks on defenseless sick or wounded combatants or civilians are prohibited. Upon detention, they shall receive thorough and responsible medical exams and medical care.
6. Medical workers shall have access to those in need of medical care, especially in areas where civilian medical services have been disrupted. Similarly, people in need of medical care shall have access to such services.
7. Medical facilities, equipment, supplies, and transports shall be respected and protected, regardless of whom they serve, and shall not be destroyed.
8. A recognized medical emblem, such as the red cross or the red crescent, shall be displayed by all medical units, personnel, and transports provided it is used for medical purposes only.
9. Parties to an armed conflict shall cooperate to make and support practical agreements for the care of the sick and wounded.
10. No party to a conflict can legitimately claim to serve the interests of its nation's citizens if it violates this code, which is based on moral, ethical, and legal