

## Thailand

The steady erosion of respect for human rights that has characterized Prime Minister Thaksin Shinawatra's administration reached a new low in 2005 with killings in the south by security forces and insurgents and the introduction of draconian new security legislation. Continuing failure to investigate widespread killings by security forces in the 2003 anti-drug campaign has deepened the culture of impunity, while critical media have come under direct assault.

In this increasingly hostile environment, members of Thailand's once-thriving human rights and media community face serious questions about their ability to continue doing their work.

### ***The Executive Decree on Government Administration in Emergency Situations***

The Executive Decree on Government Administration in Emergency Situations, summarily put in place by Prime Minister Thaksin in July 2005 and later ratified by parliament, has undermined or revoked many key safeguards against human rights abuses. The decree gives authorities sweeping powers to declare a state of emergency, arrest and detain suspects, restrict movement and communication, censor the media, and deny access to the Administrative Court and to redress for victims of abuses by government officials and the security forces.

While the emergency law was put in place to address violence in the south, there is no geographical limit on where it can be invoked. The decree allows authorities to detain suspects for an initial period of thirty days in informal places of detention without guarantee of immediate access to lawyers. This raises the prospect that detainees will be held in secret, undisclosed, or inaccessible locations where monitoring is impossible and there is no judicial oversight or access to counsel or family. This is an unprecedented and dangerous provision that carries a heightened risk of "disappearances" and is almost certain to lead to abuses. There is no limit to the number of times such detention can be extended, creating the risk of arbitrary, disproportionate, and indefinite limitations on fundamental human rights and freedoms guaranteed under the Constitution of Thailand and the International Covenant on Civil and Political Rights (ICCPR).

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

Almost 1,000 people have been killed since a new spate of violence began in the southern border provinces of Pattani, Yala, and Narathiwat in January 2004—some at the hands of the security forces and others by insurgent groups. Violence has included arson attacks on government buildings, bombs, beheadings, and assassinations. On October 16, 2005, a Buddhist monk was murdered when Phrom

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Prasit Temple in Pattani province was burned, marking the first direct militant attack on a Buddhist temple since the spate of violence began in the three southern border provinces last year.

Unrealistic deadlines set by Prime Minister Thaksin to solve cases of insurgent attacks quickly and restore peace in the region have created pressure on the security forces to resort to extrajudicial means and human rights violations. For example, in massive operations to identify and capture those responsible for the January 2004 raid on an army depot in Narathiwat province, a number of people allegedly were arbitrarily arrested and disappeared by the security forces. However, the Thai government has to date refused to include statistics on “disappearances” in official reports released to the public. Promises of investigation and justice appear to be only rhetorical, aiming to defuse criticisms and political pressure. To date, there have still been no criminal persecutions in the Krue Sae Mosque (April 28, 2004) and Tak Bai (October 25, 2004) incidents, in which nearly two hundred Muslims were killed by the security forces.

Growing fear and suspicion of the security forces have caused hundreds of Muslims to seek asylum in Malaysia. At this writing, the United Nations High Commissioner for Refugees (UNHCR) was in the process of determining the status of 131 Thai Muslims who fled to Malaysia in October 2005.

### ***The Anti-Drug Campaign***

Prime Minister Thaksin announced a new phase of the war on drugs from October to December 2005. Almost immediately, new reports of suspected drugs dealers shot dead by the police began to appear in many parts of the country.

There remains no significant progress in the investigation of drug-related murders during the first phase of the war on drugs, from February to April 2003. Of 2,598 cases, the police had investigated only 752 at this writing. Arrest warrants were issued in 117 cases, with interrogation of suspects continuing in ninety others. The remaining cases were dropped due to a lack of witnesses and evidence. The unwillingness of the police to investigate these deaths, combined with the unusually high numbers of drug-related murders, has created widespread suspicion that many deaths were due to extra-judicial killings and police brutality.

### ***Human Rights Defenders***

Prime Minister Thaksin and government officials continue to publicly denigrate non-governmental organizations (NGOs). At the National Human Rights Commission workshop on August 6, 2005, Prime Minister Thaksin specifically told NGOs not to “sink the boat” by reporting human rights abuses in Thailand to the international community.

There have been reliable reports of surveillance and harassment of some human rights defenders, particularly those working on issues related to violence in the southern border provinces. In March 2004, Somchai Neelapaijit, a prominent Muslim human rights lawyer, was abducted in Bangkok and is now

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presumed dead. Somchai had been repeatedly threatened after alleging police torture of insurgent suspects in the southern border provinces. Five police officers were arrested in 2004 in relation to his case, but have not been prosecuted for kidnapping or murder.

Another eighteen human rights defenders have been murdered since Prime Minister Thaksin came to power in 2001. Most were killed after raising public concern about economic development activities by individuals or companies. The latest case took place in June 2005 when a renowned conservationist Buddhist monk, Pra Supoj Suwajo, of Suan Bha Metthadharm Temple in Chiang Mai province, was hacked to death after he staged a campaign against the alleged encroachment of forest and public land by a national politician. Prosecutors have largely failed to pursue these cases. As a result, Thailand's once-thriving human rights community now operates in an increasingly tense climate of fear and impunity.

To curry favor with the regime in Rangoon, the Thai government has also cracked down on the work of exiled Burmese human rights defenders monitoring the human rights of refugees and migrant workers.

### ***Restrictions on Media Freedom***

The Thai government continues to restrict media freedom by withholding or threatening to withhold advertising contracts, operating licenses, or work permits from media outlets, and by filing defamation cases seeking large monetary damage awards against prominent advocates and independent journalists in order to limit critical coverage.

In September 2005, Prime Minister Thaksin personally filed criminal and civil defamation suits against veteran journalist Sondhi Limthongkul, Sarocha Pornudomsak, and Thai Day Dot Com, Co. The 500 million baht sought in the civil suit represent the largest damages ever pursued by any politician or government official.

Members of Thailand's media, concerned about possible government reprisals, have begun to censor their own work by devoting less attention to human rights abuses and other issues of national importance. As a result, the government has even greater freedom to pursue a range of controversial policy initiatives, including anti-drug campaigns and counter-insurgency operations. Some of the most brutal state-sponsored human rights abuses in the country's modern history have had little or no public discussion.

### ***Refugee Protection***

Prime Minister Thaksin continues to backtrack on Thailand's longstanding humanitarian stance toward Burmese refugees in an effort to improve relations with Burma's military junta.

On March 31, 2005, the Thai government enforced a plan requiring all Burmese refugees to move to camps along the Burmese border. According to the Thai authorities, those who fail to register for relocation to the camps—including those officially recognized by the United Nations High

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Commissioner for Refugees (UNHCR)—will be arrested and deported back to Burma. Those who do not register will no longer be allowed to receive protection or assistance from UNHCR in Thailand and will be barred from resettlement abroad. However, many of the Burmese urban refugees are hesitant to relocate to the border camps, fearing the move may trap them in a detention-like environment without political freedom and access to telephones or other means of communication with the outside world. Others are fearful for their security because of mistreatment by camp officials, cross-border violence, or political and ethnic conflicts within the camps.

### ***Key International Actors***

The United States is the key bilateral actor in Thailand. While the U.S. raises human rights concerns on a regular basis with Thailand, activists were disappointed by the White House visit accorded to Prime Minister Thaksin in September 2005 and the failure of President Bush publicly to address the erosion of human rights protections under Thaksin. Bush instead emphasized the two leaders' close friendship.

In June 2005, the United Nations Working Group on Enforced or Involuntary Disappearances expressed "great concern" over missing Muslim human rights lawyer Somchai Neelaphaijit. In July 2005, the United Nations Human Rights Committee expressed concerns over the climate of impunity created by the Executive Decree on Government Administration in Emergency Situations and persistent allegations of extrajudicial killings and other serious human rights violations.

In an apparent response to those concerns, Prime Minister Thaksin gave a speech at the Association of Southeast Asian Nations and United Nations Summit in September 2005 asserting that lack of coordination and inadequate guidelines can draw United Nations agencies into domestic political issues. "This can be a cause of resentment, rejection, and non-cooperation ... and make the United Nations irrelevant," he said.