

Thailand

Human rights protections in Thailand, which had been seriously eroded by the administration of former Prime Minister Thaksin Shinawatra, took another serious blow after a military coup on September 19, 2006, ousted Thaksin from power.

The coup leaders repealed the constitution and disbanded the national assembly, the Senate, and the Constitutional Court. They also imposed martial law throughout the country, allowing authorities to ban political gatherings, censor the media, and detain people for up to seven days without charge.

Impunity for human rights violations continued in 2006. Even where there is clear evidence of official involvement, as in the “disappearance” and apparent murder of lawyer Somchai Neelpaijit, no one has been brought to justice. Similarly, no one has been held accountable for any of the approximately 2,500 extrajudicial killings that took place as part of Thaksin’s “war on drugs.”

Violence and the culture of impunity also continue unabated in the southern border provinces with killings and serious abuses by security forces and separatist insurgents. Reconciliation attempts proposed by the government-appointed National Reconciliation Commission in early 2006 were largely ignored by the Thaksin administration, while security forces continued to be responsible for many “disappearances” and extrajudicial killings. Militants repeatedly set off bombs in civilian areas, often targeting teachers, civil servants, and Buddhist monks. Hundreds of civilians have died in such attacks since 2004.

The September 19 Coup

On September 19, 2006, the military overthrew the Thaksin government in a bloodless coup, pledging to end political tensions, reform government, and fight corruption. Within hours the constitution was repealed and key institutions that

serve as a check on the executive—including the Parliament, the Senate, and Constitutional Court—were disbanded. The coup leaders announced on October 20 that they would uphold the principles enshrined in the United Nations Charter, but fundamental rights were nevertheless restricted.

Political gatherings of more than five people were banned, with a penalty of six months of imprisonment. Existing political parties were ordered not to conduct any political activities or hold assemblies. Four senior members of the Thaksin administration as well as a parliamentarian and a pro-Thaksin activist were taken into military custody for periods ranging from one to ten days.

The media was intimidated, with armed soldiers deployed in newsrooms and direct censorship employed. Shortly after the coup, Mingkwan Saengsuwan, director-general of the Mass Communications Organization of Thailand and TV Channel 9, was briefly detained and pressured to quit his position for allowing the airing of a last ditch state of emergency declaration by Thaksin. The coup leaders called on all journalists to “cover news truthfully and constructively in order to promote unity and reconciliation in the country” and requested that the Ministry of Information and Communication Technology control or block the distribution of information through the internet that could affect the new regime’s work. More than 300 community radios stations in Thailand’s northern provinces—Thaksin’s stronghold—were closed down, and 10 anti-coup websites were been taken off the internet.

On October 8 Pongthep Thetpratheep, secretary-general to the interim prime minister, General Surayud Chulanont, told activist groups and journalists to stop voicing opposition to the new cabinet line-up, saying that it could be viewed as interfering with the King's decision. “Lese majeste” is a serious criminal offense in Thailand, punishable by up to 15 years in prison.

Violence in the Southern Border Provinces

Insurgent violence in the southern border provinces of Pattani, Yala, and Narathiwat continued in 2006 with no end in sight. According to a study released by the Thai Journalist Association and Prince of Songkhla University, there were 5,460 violent incidents—some at the hands of insurgent groups and others by security forces—

resulting in 1,730 deaths and 2,513 injuries to civilians and government officials between January 2004 and August 2006. Failures of justice—particularly for large-scale killings of civilians in 2004 at Krue Se and Tak Bai—have helped fuel the insurgency and made it more difficult for authorities to reach out to the Malayu-Muslim population.

Thousands of Muslim men are suspected by authorities of involvement with insurgent groups. Some have been pressured to join reeducation programs or put in custody for interrogation under emergency regulations, which allow suspects to be detained for an initial 30-day period. There is no limit to the number of times such detention can be extended, creating a risk of arbitrary and indefinite detention. Most such detainees have not had access to lawyers and families during the first 48 hours.

“Blacklists” containing the names of Muslim men suspected by Thai authorities of involvement in insurgent activity have created a climate of fear amidst allegations of extrajudicial killings and “disappearances” by the police and army. For example, on June 19, 2006, Sulkifi Maeroh went to the Bajoh District Police Station in Narathiwat after learning that it had issued an arrest warrant for him. Sulkifi and his four-year-old son were shot dead on their way home. Wae-halem Kuwae-kama, a 40-year-old former deputy village chief, went missing on the evening of May 29 in Joh Airong district, Narathiwat after his name was put on a blacklist. Wae-halem was last seen being stopped and questioned at a checkpoint manned by soldiers from the Army’s Special Warfare unit. In cases like this the police typically explain that the deaths or “disappearances” are due to separatist insurgents trying to prevent the individuals in question from leaking information to authorities—an explanation strikingly similar to the one offered by the Thaksin administration in 2003 for more than 2,500 unexplained killings that accompanied its anti-drug campaign.

On an almost daily basis, separatist insurgents in 2006 attacked government officials and Buddhist civilians, as well as local Muslims suspected of collaborating with Thai authorities. Insurgent violence took the form of shootings, bomb attacks, arson, beheadings, and machete attacks. Thai authorities believe the National Revolution Front-Coordinate, particularly its youth wing and guerrilla units, is behind the new wave of violence.

The use of improvised explosive devices became one of the main insurgent tactics in 2006, with statistics showing clearly the intensity and lethality of these weapons, which were often used indiscriminately. Of the 5,460 violent incidents described above, 967 were bomb attacks. On June 15 and 16 separatist insurgents launched a series of bombs attacks in 31 of 33 districts in the southern border provinces. The coordinated explosions on August 31—targeting commercial banks in Yala—and on September 16—targeting department stores and related locations in Hat Yai district of Songkhla—were further evidence of a disturbing trend toward more frequent attacks on civilian targets.

Human Rights Defenders

The 2004 “disappearance” and presumed murder of Somchai Neelpaijit—chair of Thailand’s Muslim Lawyers Association and vice-chair of the Human Rights Committee of the Law Society of Thailand—remained a test case for official commitment to the recognition and protection of human rights defenders. On January 13, 2006, then Prime Minister Thaksin publicly acknowledged for the first time that government officials were involved in Somchai’s abduction and killing. Still, there has been no progress in the investigation led by the Department of Special Investigation.

At this writing, the interim government of General Surayud had said nothing about how and when it would pursue justice for the 20 cases of murder of human rights defenders that took place during the Thaksin administration.

Refugee Protection

Former Prime Minister Thaksin pursued a harsh policy towards Burmese refugees. General Surayud told diplomats in October 2006 that the welfare of Burmese refugees was a top priority. The interim government also indicated to the United Nations High Commissioner for Refugees (UNHCR) that the 140,000 refugees from Burma living in Thailand may soon be issued identity cards by Thai authorities that would permit them to move freely outside their camps to work legally. This potentially significant change in Thai policy would improve the lives of refugees, many of whom have lived in camps along the long Thai-Burma border for up to 20 years, with few prospects of returning home anytime soon.

Nevertheless, at this writing, it remained unclear whether Thailand's interim government would relax its border control policy to prepare for a new influx of refugees from Burma, particularly those from the estimated 500,000 internally displaced civilians along the frontier who have escaped from the Burmese government's brutal counter-insurgency operations in Karen and Shan states.

HIV/AIDS

Government HIV prevention programs have been credited with preventing more than 200,000 HIV infections, and its antiretroviral therapy program has been hailed as a model for developing countries. More than 80,000 people (an increase from approximately 3,000 in 2002) receive antiretroviral therapy through the public health system.

Despite these advances, many people at highest risk of HIV/AIDS—including drug users, prisoners, and migrants—face significant barriers in obtaining HIV prevention, care, and treatment services.

Key International Actors

Until former Prime Minister Thaksin was ousted from power, his government remained defiant to international concerns over the erosion of human rights standards in Thailand. Thaksin's poor human rights record, however, did not make the September 19 coup a welcome development internationally.

The US State Department said it was uneasy about the military takeover and said in a statement it hopes "the Thai people will resolve their political differences in accord with democratic principles and the rule of law." Military aid and negotiations on a free trade agreement were also suspended. UN Secretary-General Kofi Annan said the coup was "not a practice to be encouraged," while UN High Commissioner for Human Rights Louise Arbour called on coup leaders to restore basic freedoms. The European Union, Australia, and New Zealand used stronger language, condemning the coup.

China was the only major power which brushed off the coup as an internal affair. Elsewhere in the region, members of the Association of Southeast Asian Nations (ASEAN) expressed concerns following the coup, saying they hoped democratic principles would soon be restored.