



January 2008

country summary

## Thailand

The military-installed government of General Surayud Chulanont has taken few steps to promote human rights. Martial law is still enforced in many parts of the country, and the government actively censors the internet, cracking down on dissidents. A proposed new internal security law would, if enacted, extend broad and unchecked powers to the prime minister to suppress fundamental rights and legalize government impunity, a major setback to efforts to restore democratic freedoms.

A military-sponsored referendum for a new constitution passed in August 2007, and general elections are at this writing scheduled for December 23, but prospects for a return to democracy remain uncertain.

The armed conflict in southern border provinces escalated in 2007 with brutal violence—much of it targeting civilians—by separatists and continuing counterinsurgency abuses by government forces. Since taking office in October 2006, the government repeatedly has announced an end to state-sponsored abuses and impunity, but with little visible success.

Refugee protection in Thailand is in crisis after the government pressured the office of the United Nations High Commissioner for Refugees (UNHCR) to stop conducting refugee status determinations in May 2007.

### Media and Internet Censorship

Soldiers still patrol the T-iTV station, a station owned until 2006 by the family of the ousted Prime Minister Thaksin Shinawatra. Scripts of T-iTV's famous political talk programs often require pre-broadcast approval by the Public Relations Department of the Prime Minister's Office. Many community radio stations—initially blocked after the coup—have since returned to the airwaves but with considerable pressure to be less critical of the military.

Political websites established in opposition to the coup have faced harassment and blocking. The authorities also monitor critical opinions and debates on popular opinion boards of Prachatai ([www.prachatai.com](http://www.prachatai.com)) and Pantip.com ([www.pantip.com](http://www.pantip.com)) and have threatened both websites with closure if they fail to remove opinions critical of the military authorities. The Computer-Related Offences Act seriously threatens freedom of expression by giving authorities expanded powers to police online content. Two famous cyber dissidents, known as *Praya Pichai* and *Thon Chan*, were arrested in August 2007.

## **Martial Law**

During the lead-up to the constitutional referendum in August, authorities used martial law to justify the stifling of Thaksin's political allies and those opposed to the coup. Authorities raided their houses, confiscated political campaign materials, and detained some of them in military facilities. The crackdown continued in the run-up to general elections. The Council for National Security announced on September 17 that martial law would remain in effect in 27 provinces. Most of those areas are Thaksin strongholds in the north and northeast, where people voted against the military-sponsored constitution. Under martial law, the military can ban political gatherings, censor the media, and detain people without charge.

## **Internal Security Law**

On October 31 the government submitted the Draft Act on the Maintenance of National Security in the Kingdom to the National Legislative Assembly for debate. The draft passed its first parliamentary reading on November 11, and at this writing was being reviewed for the second and third readings. If enacted, this law would give the Internal Security Operations Command—under the control of the Prime Minister—emergency-style powers to restrict fundamental rights, override the civilian administration, and suspend basic due process rights at any time. No declaration of a state of emergency, or accountability to the parliament and the courts, would be required. This law would also shield from prosecution those who violate human rights under its provisions.

## Violence in the Southern Border Provinces

Village-based militants called the Patani Freedom Fighters (Pejuang Kemerdekaan Patani) in the loose network of the National Revolution Front-Coordinate (BRN-Coordinate) have been responsible for more than 2,000 civilian deaths—both Buddhists and ethnic Malay Muslims—from January 2004 to November 2007. They have also carried out summary executions of civilians based on ethnicity. For example, on March 14, militants ambushed a passenger van in Yaha district of Yala province and shot all Buddhist passengers one by one. Some attackers aim to spread terror among the civilian population, most notably by beheading victims or setting their bodies on fire.

Militants have targeted the Thai education system. The Education Ministry reported in October that militants have killed more than 80 teachers and injured 70 more since January 2004. Militants have burned down some 200 schools during the same period. At least 1,600 teachers have requested transfers from the region due to security concerns. General Surayud acknowledged on June 18 that the government could not guarantee school safety everywhere and that some schools might have to be closed indefinitely.

Some parts of the southern border provinces lack access to public health services after separatist militants burned down community hospitals and murdered medical personnel.

In October 2006 the government announced a new counterinsurgency strategy, seeking to balance military operations with political reconciliation, justice, and human rights principles. At this writing, however, Thai security forces—both regular and volunteer units—continue to face little or no consequences for extrajudicial killings, torture, arbitrary arrests, and use of excessive violence against suspected militants.

There is no functioning mechanism for systematically and effectively monitoring the conditions of suspects locked up without charge in military camps across the southern border provinces. This is of major concern, especially since the June 2007 launch of security force sweep operations under the code name, “Battle Plan for the

Protection of the Southern land.” These sweeps resulted in nearly 2,000 arrests of ethnic Malay Muslim men, women, and children during the first two months alone. Among them, 384 men were further transferred to four-month vocational trainings in army-run camps until a court ruled on October 18 that the army has no legal power to keep anyone in such trainings against their will.

Security forces responsible for the large-scale killings of ethnic Malay Muslims in 2004 at Krue Se and Tak Bai had yet to be brought to justice at this writing.

### **Ongoing Impunity from Thaksin’s War on Drugs**

In August 2007 the government appointed a special committee chaired by former Attorney General Khanit na Nakhon, to investigate approximately 2,500 extrajudicial killings that took place in 2003 as part of Thaksin’s “war on drugs.” Nevertheless, it remains unclear whether the new investigations will lead to effective criminal prosecution of the perpetrators, who are believed to include senior police officers and members of the former Thaksin administration.

### **Refugee Protection**

General Surayud’s government pressured the UNHCR office in Thailand to stop the refugee status determination process in May 2007. Thousands of asylum seekers—particularly Rohingyas from Burma and Hmong from Laos—have been left with limited access to international protection. Without a determination of their status, asylum seekers can be summarily classified as “illegal migrants” and arrested, detained, and deported.

In June Thai authorities deported a group of 163 Lao Hmong to Laos and since have held more than 7,000 Lao Hmong at a barbed-wire-enclosed camp in Petchabun province without access to UNHCR screening and protection mechanisms. The Thai-Lao Border Security Committee decided at a joint meeting in October to complete the repatriation of this group of in 2008.

The ongoing mistreatment of 149 UNHCR-recognized Lao Hmong refugees, including 77 children and nine infants, has sparked an international outcry. After a failed

attempt to forcibly return them to Laos on January 30, Thai authorities refused international offers to resettle them in third countries. At this writing, refugees continued to be locked up in the Immigration Detention Center in Nong Khai province and faced harsh conditions, apparently to discourage other Lao Hmongs from trying to enter into Thailand illegally.

## **HIV/AIDS**

About 180,000 people living with HIV/AIDS (more than 80 percent of those in need) received antiretroviral therapy (ART) by late 2007, making Thailand one of three developing countries worldwide—and the only one in Asia—to achieve this level of coverage. Yet many people in Thailand, particularly drug users, prisoners, and migrant workers, still face significant barriers in obtaining ART and other essential services, marring Thailand's reputation as a "success story" in the global fight against AIDS.

## **Human Rights Defenders**

The government continues to have a poor record in protecting human rights defenders. On October 10 unidentified gunmen shot dead Ma-usoh Malong in Narathiwat province's Tak Bai district. It was the second deadly attack on individuals known to be closely involved in the campaign for justice for the Tak Bai victims. Ma-usoh's colleague, Muhammad Dunai Tanyino, was murdered in a nearby area on October 20, 2006.

There was little progress in official investigations into the cases of 20 human rights defenders killed during the Thaksin administration. This includes the disappearance and presumed murder of famous Muslim lawyer Somchai Neelapaijit.

## **Key International Actors**

The United States has used its strong bilateral relationship with Thailand to raise human rights concerns and, on occasion, has intervened to protect refugees. In 2007, however, a joint effort with Australia, Canada, and the Netherlands failed to secure the release and resettlement of the 149 Lao Hmong refugees detained in Nong Khai province (see above).

The Election Commission of Thailand has refused to sign a memorandum of understanding with the European Union on election monitoring, saying that the request was an interference in its domestic affairs.

Despite unprecedented and strong condemnation of the violent crackdowns on protesters and Buddhist monks by Burmese authorities in September, Thailand remains the biggest trading partner of Burma.

Former Foreign Minister Surin Pitsuwan will begin a five-year term as secretary-general of the Association of Southeast Asian Nations (ASEAN) on January 1, 2008.