

# คณะกรรมการยุติธรรมเพื่อสันติภาพ Working Group on Justice for Peace

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## “Human Rights under Attack”

**Overview of the human rights situation in Southern Thailand<sup>1</sup>**

**March 2008**

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<sup>1</sup> This report compiles findings and cases of human rights abuse documented and investigated in 2007 until February of 2008 by the Working Group on Justice for Peace.

|   |                |
|---|----------------|
| <b>Introduction</b>                               | <b>Page 3</b>  |
| <b>Militarization and Arms Proliferation</b>      | <b>Page 4</b>  |
| <b>Sweeping Arrests and Arbitrary Detention</b>   | <b>Page 5</b>  |
| <b>Extra-judicial Killings</b>                    | <b>Page 7</b>  |
| <b>Torture</b>                                    | <b>Page 7</b>  |
| <b>Disappearances</b>                             | <b>Page 9</b>  |
| <b>Child Soldiers</b>                             | <b>Page 9</b>  |
| <b>Threats to Human Rights Defenders</b>          | <b>Page 10</b> |
| <b>Recommendations</b>                            | <b>Page 11</b> |
| <b>Annex 1: Extrajudicial Killings</b>            | <b>Page 12</b> |
| <b>Annex 2: Torture</b>                           | <b>Page 15</b> |
| <b>Annex 3: Disappearances</b>                    | <b>Page 20</b> |
| <b>Annex 4: Threats to Human Rights Defenders</b> | <b>Page 22</b> |

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## **Working Group of Justice for Peace, Thailand**

The Working Group on Justice for Peace was established in June 2006 to protect human rights, promote access to justice and to end impunity in Southern Thailand.

Its objectives are:

- Promoting justice for families of disappearance cases by assisting them to investigate the whereabouts of the missing, bringing perpetrators to justice and claiming adequate remedies and compensation in order to prevent further abductions and disappearances
- Promoting and protecting the rights of all detained under the emergency decree and criminal procedures in order to ensure the respect and fulfillment of their basic human rights under the Thai Constitution, Thai criminal procedures and international human rights standards
- Promoting rule of law and fair trial by observing trials related to national security and conducting legal training and advice for detainees, relatives of the affected population and local activists.

## Introduction

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Justice and rule of law have been recognized by various government officials, academics, religious leaders and civil society actors as a key element to curbing the conflict in Southern Thailand.<sup>2</sup> Over the last four years, thousands have fallen victim to violence perpetrated by various militant groups and human rights abuses committed by state actors.<sup>3</sup> The incidences of violence also described as 'daily killings' in the media target innocent civilians and have become more brutal in nature. While state agencies and the media hold "militants" or "insurgents" responsible for acts of violence, often the villagers believe security officers are behind these crimes. Neither side has been held accountable for their actions and instead the cycle of retribution and violence continues with civilians left to suffer the consequences. Each incident of violence is meant to instill fear and insecurity among the population ultimately creating a veil of silence ensuring that each of the various armed groups remain 'in control.'

The post-coup government's initial encouraging signals<sup>4</sup> have turned out to be little more than lip service to reconciliation lacking any progress in addressing grievances voiced by the local population. With greater pressure on the government, from inside and out, to control the violence in the South, drastic measures in the name of counter-terrorism are being employed further exacerbating the demise of the local population. State policies, with their emphasis on massive military operations to 'hunt down' the militants have had far reaching negative impacts on the communities. Due to rapid militarization, abuse of power and violations of human rights has been on the rise and complaints to local lawyers and human rights activists are rapidly increasing who themselves face threat and attacks.

The region remains under martial law and emergency decree legislation which empowers soldiers to arrest and detain people without any clear evidence and enforcement of law is not under the jurisdiction of the Administrative Court and therefore not subject to civil and criminal liabilities. With utter absence of rule of law and judicial procedures, a climate of impunity has been created in which everyone is under threat as armed groups from all sides continue to threaten and kill innocent people. As a consequence, villagers themselves feel the need to arm and defend themselves which greatly increases fears of sectarian and communal violence.

Calls on the government to withdraw draconian emergency laws, disarm paramilitary and civilian militant groups coupled with the need to address human rights abuses are loud and frequent.<sup>5</sup> As it has become utterly evident that the military

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<sup>2</sup> These elements formed the key recommendations of the National Reconciliation Commission's Report "Overcoming Violence through the Power of Reconciliation" – a report commissioned by then-PM Thaksin Shinawatra to study the root causes of the conflict in Southern Thailand. The study was led by former PM, Mr. Anand Panyarachun, and included hundreds of well-respected academics, politicians and civil society leaders.

<sup>3</sup> According to Deep South Watch, the numbers of death and injury combined was 1,438 in 2004, 1643 in 2005, 1,877 in 2006 and 2,295 in 2007. Available at: [www.deepsouthwatch.org](http://www.deepsouthwatch.org).

<sup>4</sup> Then-PM Surayud Chulanont rendered an apology to the people of the South for the Tak Bai tragedy that had happened in October 2004 in which 78 protestors in army trucks on the way to the military camp.

<sup>5</sup> The latest call was made in February 2008 during the government policy debate by members of the coalition government. See Bangkok Post 21 February 2008.

operations have failed to curb the conflict, more peaceful approaches through which to win the hearts and minds of the population to cooperate with security personnel are called for. Yet, these calls continue to be ignored and a system is being consolidated that facilitates and allows for abuse and impunity from state agents rather than reduce violence and impunity.

## **Militarization and Arms Proliferation**

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One policy that has been consistently counter-productive is the government's reliance on poorly trained, ill-disciplined para-military forces and civilian militias. Although they have a long-standing history in Thailand, since 2004 their strength in the South has been increased massively.<sup>6</sup> There is a confusing multiplicity of groups – the paramilitary rangers, an interior ministry force known as the Volunteer Defence Corps, several loosely supervised village volunteer forces and an unknown number of smaller sectarian militias – added to the regular army, police and border patrol police. The largest armed force in the South is a civilian militia consisting of Village Defence Volunteers recruited under the Internal Security Operations Command and the Village Protection Force recruited under Queen Sirikit's direction tasked with protecting Buddhist communities.

No clear structure of command exists among and between the different forces. Administered under the Internal Security Operations Command, this region differs in command structure from other regions in the country and a lack of accountability is evident. Testimonies of security personnel in court trials brought to light that all orders are being given on verbal basis and heads of smaller units are given discretion to run their operations independently.<sup>7</sup> While ISOC recruits para-military and civilian security agents and supplies them with training and weapons, these agents, particularly civilian defence volunteers, are recruited without proper screening and in many communities these men are known to be hitman or bandits attached to local elites.<sup>8</sup> It is unclear whether any recruitment records are being stored to keep track of the number of security personnel hired and weapons supplied. Paramilitary groups are known to have sold their arms to villagers and requested new arms after having reported theft by insurgents.

These para-military and civilian militias have built their camps within places such as temple, school and health clinic grounds shutting these places for public use. Communities fear the presence of these armed groups and have continuously called for their withdrawal.<sup>9</sup> Hundreds of complaints have been made by villagers that

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<sup>6</sup> It is estimated that there are now close to 30,000 security officers stationed in the region but actual numbers are hard to estimate as ghost units have been reported and records are inaccessible. See ICG's "Southern Thailand: The Problem with Para-military Forces" October 2007.

<sup>7</sup> This became particularly apparent when the army was challenged on the legality of a four-month occupational training program which was forced onto detainees in order to extend their illegal detention. WGJP observed the trial.

<sup>8</sup> WGJP interviews with human rights abuse victims.

<sup>9</sup> This is widely reported in media. Villagers have set up roadblocks in order to deter security forces from entering their village.

these groups are threatening, killing, raping and torturing with impunity. The groups have also been found to fight each other for control over resources and extra-legal and illegal business such drug and human trafficking, illegal logging and night-life entertainment.<sup>10</sup> Village raids by these groups, often conducted in the middle of the night, have resulted in trauma of the population and physical damage of property. Numerous times, villagers have complained that they were robbed of money, gas and mobile phones during raids.

## **Sweeping Arrests and Arbitrary Detention**

Since the government's announcement of the new "Battle Plan for the Protection of Southern Lands" in June 2007, hundreds of villagers have been arrested during sweeping operations. The arrests mostly combine several hundred military officers clad in black and military uniforms, armed with heavy and light weapons laying siege on a community before dawn. They surround the whole village and enter residences to carry out searches without warrants. In many instances, the villagers are ordered to gather in one place and are forced to submit to an examination by an explosive material detecting device, known as DEMO. The accuracy and reliability of this device developed by the Central Forensic Institute has been questioned on numerous accounts.<sup>11</sup> On the basis of these searches and results of the DEMO machine, persons are taken into custody without being informed about the grounds of arrest.

Arrests were generally conducted upon verbal orders by higher ranking officers rather than by issuance of arrest warrants.<sup>12</sup> At this point, it is impossible to determine how many people or who has been arrested for how long.<sup>13</sup> Detainees have included children under the age of 18, elderly and disabled people. In one habeas corpus case filed after the immediate re-arrest of three men who had just been released due to a lack of evidence, the provincial court declared the arrest illegal as there were no new grounds of arrest.<sup>14</sup>

Initially arrested under Martial Law which allows detention for 7 days without charges, detention is afterward extended under the emergency decree. Under the emergency decree authorities can arrest and detain persons as preventive measures for 7 days initially which can be extended to a maximum period of 30 days. The authorities have to seek permission from the court to extend the period of detention every 7 days. In habeas corpus cases filed in court, it has been found that courts do not exercise any substantive review over detentions. The authorities were unable to

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<sup>10</sup> Particularly 'red zone' areas, a marking scheme used to highlight particularly violent areas with a high amount of military personnel, are known to be notorious for security officer involvement in illegal business.

<sup>11</sup> At one time, the machine was seen to incriminate a box of hygienic napkins.

<sup>12</sup> This also came to light during testimonies by army officers in court.

<sup>13</sup> WGJP has asked for records at army camps and police stations numerous times but were denied access.

<sup>14</sup> In July-August over 400 detainees were forced to sign up for occupational trainings inside army camps after the 37 day period under the emergency decree expired. These men petitioned the provincial courts who ruled that the detainees were free to choose whether they wanted to attend the training. The detainees opted to discontinue the training and left the camps. Two days later, they were rearrested.

produce any evidence to show the basis on which the persons were arrested as well as any records of arrest warrants along with prove of dates of arrest.

Initially, detainees are being held in secret detention centers which are makeshift army camps set up by para-military and civilian militant groups. Lawyers, human rights activists, and the National Human Rights Commission have requested access to these facilities on numerous occasions but have so far been denied. Directives issued by 4<sup>th</sup> Army Region Commander Lt. Gen Wiroj Buacharoon deny visits to detainees for the first three days after an arrest, deny their rights to see lawyers before charges have been made, and forbid detention in prisons or police stations encouraging the use of secret detention centers breaching international and national standards of human rights and rule of law.<sup>15</sup>

It has been reported in numerous cases that families and lawyers could not visit the detainees for several weeks and often were given misinformation on their whereabouts, amounting to involuntary disappearance. This system of problematic procedures and failure to follow judicial safeguards has opened up the way for systematic and widespread abuse of power. According to the Muslim Attorney Center based in Yala, 102 complaints regarding arrests under the emergency decree have been received since January this year, compared to the 89 complaints from January-December 2007.

## **Extrajudicial Killings**

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Several cases of extra-judicial killings took place in the southern three provinces over the last year.<sup>16</sup> People were either shot drive-by style or during village raids. These killings were perpetrated by various security units, but most often village defence volunteers were alleged to be the perpetrators. None of the cases were properly investigated, nor were any of the perpetrators held accountable. In one instance, army spokesman Accra Thiproch justified the killings stating the authorities were defending themselves. But in all cases, the gunned down villagers were unarmed. Although these cases were reported in the media, and the National Human Rights Commission along with some National Legislative Assembly members expressed their concerns, generally disciplinary actions against the accused officers only came down to a transfer in locality.

Two cases of death in custody were reported last year. The first case involved a 47 year-old who was declared dead with gun injuries on 28 June 2007 at Yala Hospital. Authorities explained that he was shot in an attack by a group of unidentified persons while being transported from military to police custody.<sup>17</sup> None of the army officers were injured in the attack. An autopsy conducted at Yala Central Hospital revealed that his death was caused by critical physical injuries. The other case

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<sup>15</sup> See Annex.

<sup>16</sup> See Annex for details on specific cases.

<sup>17</sup> WGJP interview with family of victim.

involved a 25 year old who was arrested on 21 July in Yala's Krong Pinang. Officers allegedly severely beat the man while in custody before being transferred to Ingkhayuthbhoriharn army camp.<sup>18</sup> He died during medical treatment at Yala Hospital on 22 July. He was arrested with four others who explained to the National Human Rights Commission investigating the case that they had also been severely beaten.

## **Torture**

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Reports over the last few months reveal that torture is systematic and widespread carried out in military as well as paramilitary and special force camps.<sup>19</sup> The Muslim Attorney's Club has received 59 cases of torture during detention over the past eight months.<sup>20</sup> Authorities most frequently accused of physical abuse are Special Force 11 and Military Ranger Regiment 41 in Yala as well as Ingkayutthabhoriharn military base in Pattani with most of the victims being residents of Bannang Sata district in Yala. Torture and physical abuse generally occur during the first three days of detention. Due to an order issued by the chief of the 4<sup>th</sup> army, families and lawyers are being denied access to the detainees during the first three days while being held at secret detention centers. In many instances, families had been misinformed on the whereabouts of the detainees having to go from camp to camp to find their relatives.

Frequent torture allegations first surfaced at Inkayutthbhoriharn army camp in Pattani in the middle of last year and human rights groups reported the allegations in the media. In July/August of 2007 the 4<sup>th</sup> Army Region reportedly considered punishing soldiers who have physically abused detainees. However, allegations of torture were not officially acknowledged by the military and no investigations were conducted.<sup>21</sup> Since then, detainees are generally taken to the nearest para-military or special task force camp sometimes located right within the community for the first three days before being taken to army or police detention thereby effectively reducing the military's accountability of violations. Villagers have reported that some detainees were tortured and ill-treated outside in broad daylight clearly visible to the

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<sup>18</sup> Ibid.

<sup>19</sup> It has been difficult to document cases and conduct conclusive fact-finding as access to detainees is consistently denied. The WGJP has received tens of verbal complaints by family members of victims, but due to capacity constraints and family members' reluctance to speak in fear of repercussions, not all cases can be properly documented. However, WGJP felt that an overall outline of the problem along with the well documented cases is needed to be disseminated as allegations have been rapidly on the rise and family members and victims have been facing harassment and intimidation by security officers for speaking out. Much information has been transmitted by relatives who had visited detainees but in all the cases presented here in the Annex on Torture, WGJP has interviewed the victims directly, reported the cases to local and national law enforcement agencies, and followed up investigations.

<sup>20</sup> The lawyers presented the information during a seminar held on February 16 bringing together over 50 local politicians, academics, lawyers and NGOs. The lawyers have not been able to document and follow up with all of the cases as most victims are either still detained and not allowed to receive visitors or have returned to their homes with the perpetrators stationed nearby and threatening them.

<sup>21</sup> The Thai government ratified the Convention Against Torture in August 2007 with interpretive declarations on article 1,4, and 5 and with a reservation to article 30.



public. But most of the time, torture takes place overnight carried out by plain-clothed men. Members of WGJP and the NHRC sub-committee on torture tried to access detention centers where torture allegations were reported but were denied access on several occasions.

Interviews of victims made it clear that torture forms part of interrogations used to obtain information or to force confessions. People reported having been beaten, held naked in refrigerated rooms, being forced to eat spoiled food, and having received electric shocks to their genitals. Also, most victims suffer from punctured ear drums. Only in cases where detainees suffered exceptionally severe injuries did victims receive medical attention with security officers stationed at the hospital on 24-hour guard. Some were released after a few days and sought medical examinations at nearby hospitals but in many instances, doctors refused to examine the victims or issue medical reports out of fear. Most of the families and victims who reported the cases have subsequently been intimidated by authorities as the perpetrators are stationed in nearby makeshift camps.

## **Disappearances**

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Thirty cases of disappearances have been documented in Southern Thailand over the last four years.<sup>22</sup> All of the cases were either reported to local or national authorities. Although the government has acknowledged 23 cases of disappearances, the families only received 100,000 baht in compensation under a welfare assistance scheme to help victims of the violence in the South. The government failed to investigate the cases, clarify the whereabouts of the missing, and hold perpetrators accountable. By paying compensation to the families, the families were essentially told that the government considers the cases closed. A clause within their compensation contract denied the families' right for further legal action. Out of those cases, 12 have been reported to the UN Working Group on Involuntary and Enforced Disappearances. The government has not communicated with WGEID on any of the cases.

Since June 2007, 4 new cases of disappearances have been reported.<sup>23</sup> In all of the cases, witnesses saw the men being taken away by a group of armed authorities part of the local security structure. The cases were reported to local law enforcement agencies as well as the National Human Rights Commission. Two of the cases were brought to the attention of the Department of Special Investigation, a department under the Ministry of Justice tasked to investigate crime allegations of law enforcement officers. One case was accepted as a special case. However, since these cases were reported, the families have not been contacted by the authorities and no progress has been made in investigating the whereabouts of the

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<sup>22</sup> See HRW report: "it was like suddenly my son no longer existed" published March 2007.

<sup>23</sup> These cases have not been made public nor reported to the UN WGEID as the families are under fear of reprisals as the perpetrators remain in their vicinity.

disappeared. The families have been threatened by the perpetrators as a result of their actions and some are too afraid to take any further action.

## **Child Soldiers**

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Two reports where the arming of children was encouraged by state officers had surfaced in the media. In both cases, human rights groups condemned the promotion of child soldiers reminding the government to adhere to its obligations under the Convention on the Rights of the Child. However, the government has ignored these calls and failed to address the issue.

A teenage boy, Abasa Mae-ae, was presented with a certificate by Yala governor Theera Montrasak in recognition of his bravery when he returned fire upon a group, alleged to be insurgents, who attacked him, his father and his nephew on the way to their rubber plantation.<sup>24</sup> All attackers were killed as well as Abasa's father who was assistant village head of Ban Dusong Tawa in Raman district. The teenager has been made a Raman district defence volunteer, an armed unit meant to defend villagers against militant attacks.

"Ruam Thai Team," formed by residents in Yala, Pattani, Narathiwat and some districts in Songkhla, has reportedly expanded its defence force training to include 300 children with some as young as 8-10 years old.<sup>25</sup> The group is headed by Pol Col Pithak Iedkaew, a former investigation chief of Yala police station and now superintendent of the Krasae Sin district police in Songkhla. The group began to provide weapons and training for residents in the South in 2005 in order to defend themselves against the insurgents.<sup>26</sup> This group was involved in an attack in May 2007 in Kolomudo village which left five youths dead. In an interview with the Associated Press, leader Phitak stated that 6,200 members have been recruited who "only shoot insurgents who deserve to be killed." Criticism has even come from inside the army that such groups have inflamed conflicts between Muslims and Buddhists exacerbating a cycle of revenge.

## **Threats to Human Rights Defenders**

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October and November of 2007 saw an alarming increase of attacks on local human rights defenders in the South. Three human rights defenders were shot dead.<sup>27</sup> These individuals had been in regular contact with human rights groups reporting

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<sup>24</sup> Reported in Bangkok Post, 28 September 2007.

<sup>25</sup> Reported in TJA News on 27 February 2008.

<sup>26</sup> Recruits attend at least two days of training in basic self-defense, with special courses for children. A select group of 400 men and women have undergone commando training and are allowed to work alongside the police wearing police-like uniform and carrying combat weapons. See AP 7 August 2007.

<sup>27</sup> See Annex

violations in the area and assisting victims of abuse. In each case, the shooting took place in the victim's community.

Numerous human rights defenders, journalists, and lawyers investigating human rights violations and incidences of violence have faced various attempts of intimidation and threats. HRD have been stopped by military personnel and barred from entering certain districts or villages. In some cases, they were only allowed access to villages if they agreed to be escorted by military personnel. Some of the human rights defenders had to relocate or seize their work. These are apparent efforts by the military to intimidate human rights defenders from investigating incidences of human rights violations and to prevent them from giving voice to southern Muslim's grievances.

Members of the Working Group on Justice for Peace have on numerous occasions been barred from entering villages without para-military escort and been threatened by local as well as national government and security officers. Two members from Yala have been threatened by army generals with one member having been told that he would become the next Somchai Neelapaichit if he did not stop speaking about torture.<sup>28</sup> The other member, who has been investigating and documenting violations, received a message that army generals wanted to cut off his head. Angkhana Neelapaichit has been approached on numerous occasions by high ranking officials to stop advocating for human rights and all members have been accused of helping the insurgents.

## Recommendations

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- ❖ Withdrawal of the directives of 4<sup>th</sup> Army Region Commander Lt Gen Wiroj Buacharoon denying visits to detainees for the first three days after an arrest, and forbidding detention in prisons or police stations
- ❖ Withdrawal of emergency decree and martial law
- ❖ Immediate and free access of monitoring bodies (NHRC, ICRC) to detention centers
- ❖ Access of families and lawyers to detainees within 24 hours of arrest
- ❖ Country visits by Special Rapporteurs on Torture and Extra-judicial killings
- ❖ Proper and independent investigation of human rights violations and prosecution of perpetrators
- ❖ Enforcement of rule of law and due process according to criminal procedure code
- ❖ Disarmament of armed civilian groups and village defence volunteers and establishment of clear command structure within military and police
- ❖ Protection and promotion of civil society actors and human rights defenders

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<sup>28</sup> Somchai Neelapaichit, a dedicated human rights lawyer defending Muslims in Southern Thailand accused of being insurgents, was disappeared on 12 March 2004 on a busy road in Bangkok. He was defending clients who had allegedly been tortured in detention before he was disappeared.

## **ANNEX 1**

### **Extra-judicial killings**

#### **1. Abdulkari Kasor**

On 9 March 2007, a 15 year-old boy named Abulkari Kasor was killed and his brother in law, Afradi Pohmah, injured while driving on a road in Muang district from Yala to Tasaeh sub-district. The father of the boy, Prasert Kahso, is a head teacher at a government school and has been threatened several times by militants. Abulkari and Afradi were traveling from Yala to Tasaeh in Prasert's car to pick up Abulkari's sister who was teaching at a pondok. On the way along a strip of road adjacent to a rubber plantation a hail of bullets hit their car injuring both Abulkari and Afradi. However, Afradi kept on driving and made it to the pondok. There, the villagers helped to take them to the nearest hospital. Several minutes later, a group of soldiers arrived at the pondok. They raided the school, assembled the 90 students outside forcing them to lay face down and beating some of them. The villagers and students reported that they could smell alcohol coming from the men. Abulkari and Afradi had reached the hospital at this point and the police came to investigate the case. They could not find any weapons, nor did forensic investigation point to any gun residue on the hands of the two men. Yet, the bullet that had injured Abulkari could be identified as a RTA bullet. Abulkari succumbed to his injuries early the next morning at Yala hospital. Local human rights defenders came to the pondok to conduct their own investigation. The students reported that the group of men was believed to be soldiers and that they smelled of alcohol. The case was brought before the NLA ad-hoc committee on the South which subsequently conducted an investigation. It was concluded that the group who had shot Abulkari was low ranking soldiers. It was decided that they would face disciplinary action, meaning they were transferred to another area. It is unclear whether further action was taken.

#### **2. Defence volunteers shoot 5 villagers**

On April 9, 100-200 villagers from Bannang Sata district in Yala were returning from the funeral ceremony of Mr. Bueraheng, a sub-district official who had been killed earlier in a bomb attack, when they were shot at by village defence volunteers. The villagers were passing by a checkpoint and a verbal fight broke out between the villagers and the militia, some of the villagers started throwing rocks. Consequently, the defence volunteers opened fire killing five young men and wounding a number of others. Out of fear and mistrust of state officials, the villagers blocked the road from Bannang Sata to Banglang Dam for five days and requested for an independent investigation over the two killing incidents. The locals were demanding an independent investigation into the deaths, including Bueraheng Guna's killing, arrest of the defence volunteers and removal of army troops. The army agreed to leave and an investigation was ordered. However, the defence volunteers were not arrested. The villagers were left in fear but decided to remove the obstacles on the road on April 16. Colonel Akara Thiprot reportedly said that the armed militia personnel were justified to fire in self defence as the youths had attacked them with

“sticks and stones”. He further stated that there would be no legal action taken against the volunteer militia as they had acted according to the rules of engagement. An investigation has not been initiated.

### **3. Soldiers killing children**

On 14 April 2007, a unit of 11 soldiers in two armed Humvees on its way to inspect a torched mobile phone transmission towers in Muang district opened fire at a group of 10 youths playing hide and seek on their way home from a weekend market killing two and injuring three other. A 17 year-old who survived the attack said it was unprovoked. A 13 year-old was shot in the head and died at the scene while a 14 year-old died later in hospital. Allegedly, the youth raised both hands in surrender, but the soldiers went on a shooting spree, shouting “execute them.” As a consequence hundreds of locals staged a peaceful protest on the Pattani-Narathiwat road demanding the army plead guilty to the wrongful killing, remove the offending soldiers and compensate the families. Pattani police chief Pol Maj-Gen Korkiart Wongworachart said the police investigation will be wrapped up in two months and soldiers charged in connection with the incident would be tried in Pattani provincial court, not an army court. Colonel Akara Thiprot later announced that the soldiers had confessed to the crime and apologized, agreeing to punish the soldiers and to pay compensation to the parents of the victims.

### **4. Female Ustaz shot by police officers**

On 2 June 2007, a female religious teacher, Ms A-isata Imbrahim was shot to death in Ai Batu village in Narathiwat. Police officers opened fire while driving past the mosque after allegedly having been shot at by insurgents. They left and a little while later a humvee full of security officers arrived at the scene intimidating villagers not to mention the incident. They soldiers severely beat two men, one of them to death and arrested five villagers. Yet, the villagers refused to be silent and contacted NGO agents who went to the village on June 9, interviewing the villagers and taking photos of the scene, including those killed. On the 13<sup>th</sup>, a fact-finding team set off to the village comprised of local leaders and human rights defenders. However, when they arrived at the village a group of about 10 security officers came to follow them around. The officers pronounced that they had come to protect the fact-finders. The presence of the security officers clearly compromised the fact-finding mission and the team left shortly after, leaving the villagers behind in fear.

### **5. Ranger hacked to death after shooting villager**

A volunteer ranger was hacked to death after shooting and seriously wounding a villager in Yala’s Bannang Sata district on 30 January 2008. Forty-one year old Maroming Aleemama was sitting in front of his house with two other villagers when two rangers on a motorcycle drove by and started shooting at the three villagers. He was struck by 6 bullets and ran inside his house. The ranger followed and beat him with a stick. Once the ranger believed Maroming to be dead he left the house but other villagers had arrived at the scene and beat the ranger to death. Maroming’s house is located in Bannang Sata between two army checkpoints about 300-500

meters from his house. Although both checkpoints had been manned, none of the soldiers came to arrest the rangers or investigate the incident. The police arrived two hours after the incident occurred. The chief of the local army unit stated that this incident was a result of a personal conflict but the villager said that he had never seen the ranger before. Most of the villagers who had beaten the ranger to death have fled the area and Maroming was offered compensation of 50,000 baht. The issue became a hot topic as several attacks in the area have been carried out by state authorities and some villagers had died while being detained by the rangers. In that same district, three shootings had taken place over the last 3 months. In each shooting, rangers arrived on motorcycles, shot villagers and took off without any repercussions. In one case, the victim was beaten first and then taken to a rubber garden to be shot. The incidences were reported to the police but no investigation took place and the villagers had no evidence to pinpoint the perpetrators. Numerous villagers have voiced their hatred for the rangers as many women have been raped by the rangers on the way to the rubber gardens and they have shot and tortured villagers with impunity.

## **ANNEX 2**

### **Torture cases**

#### **1. Muhamud Arming Usoh**

Forty-two year-old rubber plantation worker Muhamud Arming Usoh, father of eight, was arrested by soldiers around 2 pm on 30 October 2006 near his home on his way back from work. They covered his head and took him to a military camp in Ruesoh district where he was held for seven days. The officers accused him of having been involved in the 4 January 2004 gun robbery and allegedly tortured him in an attempt to force a confession. First, he was tied to a chair and kicked in the face with boots until it fell over. Then he was hit across the head with a steel bar, causing severe pain lasting eight days. The soldiers then began hitting his face and burning his neck, chest, ear and genitals with cigarettes and smashed two beer bottles across his knees at which point he passed out. The officers forced Arming to sleep with a dog chained to him for the night.

The family was permitted to meet him on 2 November and was able to see that he had been severely tortured. On 6 November, personnel at the camp told Arming to sign some papers which he could not do as he is illiterate. The personnel signed it instead and he was handed over to Ra-ngae police station. There the police accused him of murder and firearms offences on the basis of the information given to them by the army. He was released on bail in December but now faces criminal charges. Human rights defenders had raised his case with the concerned authorities in the military and other institutions, and obtained an independent medical report that verifies Arming's allegations of physical torture. On 23 January, he was interviewed by the Southern Border Provinces Administrative Centre and on 30 January he was called by the Ra-ngae police. He was interrogated for several hours regarding his complaint of torture. During this time there were around ten soldiers and five persons in plain clothes in the room. Arming was interrogated alone without any lawyers present.

The case came to the attention of Thai media when Matichon Daily published an editorial by Niti Eiawsiriwong titled "Casualty of Martial Law" with a translation of AHRC's urgent alert on the case. General Sonthi Boonyaratklin asked officials to investigate the case and stated that there is no policy to use violence against suspects. In response to the question of whether the police or military were the ones who initially tortured the man, Gen Sonthi said he did not know yet but affirmed that anyone who broke the rules would be punished. The 4<sup>th</sup> army region asked the SBPAC's Justice Centre to initiate an investigation of the case. The outcome of the investigation into the allegations of torture showed that military officials tortured Arming but no names of officials were reported. Moreover, nobody was held responsible for the abuse. Instead Arming is now receiving a monthly stipend of 4500 baht, part of a military scheme. The military has set up a scheme in which villagers are randomly selected and paid a monthly stipend in exchange for their collaboration.

## **2. Sukree Ar-dam**

Sukree Ar-dam was arrested under the Emergency Decree on 11 April 2007 and was held in Inkayuthbhoriharn army camp without access to lawyers and family. On that day, he was stopped at a police checkpoint, searched and informed that there has been an arrest warrant for him issued by Pattani Court on April 9. Upon arrival at the army camp, Sukree called his brother to inform him about his arrest. Five men, students of the private school where Sukree is teaching English, were arrested earlier for allegedly beheading a villager in February. They allegedly told police that Sukree was with them during the attack. His family tried to visit Sukree on April 12 and 16 but was denied to see him. On April 21, members of the Southern Committee of the National Legislative Council helped arrange a visit by family members. Sukree was inside a pick-up truck and the soldiers showed that he was alive. But his lips were cut and he complained of pain in his chest. On April 26, members of the National Human Rights Commission and the NLA's Committee on the Violence in the South went to the army camp to investigate the case and confirmed signs of physical abuse.

On 27 January, Special Forces Unit 11 searched a dormitory and arrested 7 students of Rajabhat University and the Physical Science Institute in Yala.

They were taken for interrogation to the camp of Special Forces Unit 11 and then transferred to Inkayuthboriharn army camp in Pattani. On 28 January 2008 a group of plainclothes men from the same special force unit arrested two more students from Yala Rajabhat University. The students had been missing until friends found out they were detained at the special forces army camp. One of the students had been arrested three months earlier under the martial law and allegedly been tortured in detention. When the families were finally allowed to visit, they reported that the students had been tortured at the Special Forces 11 army camp as well as Inkayuthboriharn army camp. The students had been beaten with heavy objects and kicked in their faces.

## **3. Ahmeenudin Kayi**

Mr. Ahmeenudin Kayi, a 26 year old religious teacher at Rungrodwiththaya School in Chana district, Songkhla province, was arrested on 5 February during a raid of over 200 military, border patrol police and para-military officers at the school. The school has over 700 students but the raid took place on a holiday and only a few teachers were on the ground. He confronted the officers asking why they had come and urged them to wait for the return of the director of the school. Authorities dragged him out together with another teacher who had just arrived and used an explosive detecting device which implicated him. He was asked to sign a document that he was agreeing to be interrogated at the army camp. He did not want to sign but the officers forced him. The two teachers were then taken to Special Force No. 43 army camp. The school director, who is Ahmeenudin's brother, along with the district headman came to visit Ahmeenudin at the camp and pleaded with the officers to release him. The officers denied and ensured him he will be properly treated. The officers told them to return the next day. After the two left, Ahmeenudin was interrogated and tortured. The officers were taking turns kicking and beating him



while pulling a plastic bag over his head until he could no longer breathe. His eyes and body were hurting, his head and left eye were swollen and his ear drums were punctured. He had bruises all over his body. The next day he was taken to Inkayutthnhoriharn camp where he was interrogated and beaten again. The family wanted to visit him but was misinformed about his whereabouts. He was released on 7 February back to the school. He went to have a medical examination at Chana Hospital and reported his injuries at Chana district police station. The hospital report mentioned that the patient was tortured by being punched on his ears on both sides at the same time which punctured his ear drums. It was recommended that he transfer to another hospital for a more detailed examination. The family has pressed charges against the army.

#### **4. Mr. A** (name withheld at request of victim)

On 10 October 2007, a man was arrested by military and taken to a school building in his village where he was severely tortured. He was then taken to Yaha Hospital. The village headman of his village reported the case to a local human rights defender who reported it to the NHRC. The NHRC was also informed that the military had requested the victim be given a private room in the hospital and soldiers were on 24-hour guard outside his room. The victim was discharged and allowed to go home. The local human rights defender was later informed by the victim's relatives that the man was attending Yala hospital for a check-up, so he visited the victim in the hospital to record his testimony and arrange for a doctor to record his injuries. The NHRC had not yet visited or interviewed the victim at this stage. On returning to the village, the victim's house was surrounded by military and he and three relatives who had driven him to Yala hospital were asked "do you want to live or do you want to die?", and then asked who had helped them. They told the military the name of the human rights defender and doctor.

#### **5. Mr. B** (name withheld at request of victim)

On 23 November 2007, the mother of a man in detention contacted a local human rights defender seeking assistance. Her son was arrested on 17 November and taken to Inkayuthbhoriharn camp. He was detained in isolation in a windowless room with no lights or ventilation. He was tortured and asked to sign a confession saying he had shot a villager in his area. On 20 November his mother visited him. She said her son was dazed, and when she asked him what had happened he told her the officers had jumped on his back, slapped and punched him. He had bruising on his face but no broken skin and complained his body ached. He also had chest pains. On 23 November at 2 pm, his mother tried to visit him again but officers did not allow her to see him, telling her he was currently being interrogated. The case was reported to the NHRC on 23 November. On 26 November a member of the NHRC sub-committee on torture based in the South tried to visit the detainee but was refused on the grounds his documents were not fully in order. The military then questioned the detainees mother as to how much she had paid the member of the sub-committee on torture to come and visit her son. On 27 November the mother asked the NHRC not to try to visit again as she fears repercussions for her son.

## **6. Mr. C** (name withheld at request of victim)

An unidentified group of military arrested Mr. C on 29 December 2007 in Saiburi district of Pattani province. They did not inform the family members as to where they taken and were holding him. Witnesses said on 6 January 2008 some military officers took him to his village and asked him to point out a certain place. The officers then took his photo and recorded his statement. Villagers expected if for his pleading guilty. They had also noticed the Mr. C had a bruise in his face. On 9 January, Mr. C's father received communication from the authorities at 9am that he was allowed to visit his son at Police Detention at Yala Police Academy, Yala province, where his son was being detained. When his father and the village headman visited the police detention they saw the wounds and bruises over his body. According to the father, Mr. C further said that the authorities beat him and forced him to confess to a crime when they interrogated him at the Chiang Hai temple military unit. According to his father, Mr. C was feeling pain over his entire body, especially his back.

## **7. Mr. D** (name withheld at request of victim)

The Chief Officer of Saiburi district, Pattani province ordered the chief of the village on 3 January 2008 to bring Mr. D before him. When Mr. D reached the office, the district chief officer sent him to Reab temple military unit who transferred him to Chiang Hai temple military unit the same day. On January 6, the military took Mr. D to a mosque at Tambon Boe-rae at the same district to take pictures and point out the situation of the place. Witnesses said that his wrists were tied and his face bruised.

## **8. Mr. E, F, G** (name withheld at request of victims)

Three men were arrested on 6 December 2007, after being accused of bombing a karaoke restaurant. All three were allegedly tortured at a military unit camped at Lhak Muang temple behind Prince of Songkhla University in Pattani. They were then transferred to Inkyutthnhoriharn Army Camp and Police Detention Unit at Yala Police Academy in Yala. One man said that during interrogation he was being ordered to undress and bathe in cold water before being taken to a series of very cold or dark rooms for long periods of time while being pressured to plead guilty. His relatives reported his physical deteriorating state and that his lips were dry and cracked. Relatives were able to meet with the second man for a few minutes, and found his back covered in bruises. In the third case, the victim reported having soldier press his throat with their combat boots. He told relatives that he had been under pressure to plead guilty, and implicate three of his friends in the blast.

## **9. Mr. Guyee Itae and Mr. Isamal Teh**

On 27 January 2008, 7 students from Yala Rajabhat University were arrested by Special Force 11 accused of possessing drugs and guns. Two of them were tortured during interrogation while held at Inkayuthbhoriharn Camp in Pattani. The father of Mr. Guyee was allowed visited Guyee on 31 January 2008 and noticed Guyee's injuries. Guyee told him that he was handcuffed and punched in his stomach and

face. His left eye was bruised and his neck was bruised. His head had been covered in a plastic bag and he was hit with a heavy object on his back. Isamal's father also visited the camp on 31 January 2008 and Isamal told him that he had been tortured at Special Force 11 camp. He had been blind-folded and hit with a heavy object on his back. He could not sleep as his back was hurting. He was kicked with military combat boots in his face and nose which caused it to swell. He eventually passed out.

## **ANNEX 3**

### **Disappearances**

#### **1. Loneeya Maneeya**

On 11 July 2007, Loneeya Maneeya was taken away from the house of his mother-in-law at around 8pm by a group of 8 village defense volunteers. His family went to visit the sick mother-in-law living in a village 10 km away from their house. The defense volunteers told Maneeya that the district headman had requested to see him. He was last seen at the nearest teashop talking with the volunteers. The family reported the case to the police who conducted an investigation. As the defense volunteers were clearly identifiable being known in the community, they were brought in for questioning. According to the village defense volunteers, Loneeya was taken to the local army unit. That army unit denies having seen the disappeared and has already been transferred out of the region. The district headman does not know anything about the case. The case was closed. One of the defense volunteers is allegedly a hitman, who has been seen shooting someone in broad daylight in the middle of the village.

Loneeya had been arrested with all the other men in his village in 2004 after the raid on the army camp in which nearly 400 weapons were allegedly stolen. He underwent a 40 day re-education course with 50 other men but has not had any encounter with security forces since then. He has been running his own business selling villagers' timber to local businesses.

#### **2. Maya-deng Maranoh**

Maya-deng Maranoh, a janitor at Baanbanglan school in Yala was arrested after his house was surrounded by military for two days and has since disappeared. When the soldiers arrested him they also took his car. They told his family they were taking him to Kuenbanglang Camp for interrogation. His wife immediately went to the Kuenbanglang Camp and was told to enquire at Intrachak Camp. The Intrachak Camp told her to enquire at Yerapan Camp which told her to go to Inkayuthbhoriharn Camp in Pattani. At Inkayuthbhoriharn she was told that her husband was not there and she should enquire with local military units in her area in Yala. The next day, she went to the local military unit and was told to enquire at Intrachak Camp again. When she returned to Intrachak Camp they told her Maya-deng had signed out of the camp the same day he was arrested. They refused to show her the document he had signed when requested. The case was reported to the NHRC, the Ministry of Justice, the 4<sup>th</sup> Army Commander and the Prime Minister's Office. Neither Maya-deng nor his car have been located.

#### **3. Marudin Wava**

Marudin Wava was last seen on 22 August 2007 at his house when a group of 20 border patrol police officers raided the village in Bannang Sata, Yala. Marudin did not let the officers enter his house and told them they should talk to the village headman if they wanted to arrest him. Subsequently, 10 officers stormed his house,

arrested him and took him away in a police car. His wife, daughter, mother-in-law and brother-in-law witnessed the arrest. The next day, his wife informed the village headman of his arrest and he took her to Bannangsata police stations. Afterwards they went to the local special force camp, Yuelapae to look for Marudin but were denied to visit him. On 25 August, the family went to Special Force Yuelapan camp where they were told to go to Ponlom camp. They met with the head of the border patrol unit who arrested Marudin who told them that he did not know anything about the case and did not arrest Marudin. The family has faced severe threats as a result of their search and has not taken any further action.

#### **4. Wae-asi Wae-su**

On 2 November 2007, at 6pm in Bannangsata, Yala a van came to Wae-asi's house and four police officers got out wearing a green uniform and arms. At that time, Wae-asi was with his brother-in-law and his sister and the authorities invited him to the police station but did not mention which police station. A day later, Wae-asi's sister went to Bannang sata police station to inquire about his whereabouts but she received no answer. She filed a report at that time. Three days later, his wife went to Yala Police Academy Region 9, Inkayutthbhoriharn army camp, Sirinthorn army camp and Southern Border Peace Administrative Center but received no answers again. The brother-in-law said a van looking similar to the one that took Wae-asi came back to the village and drove around the area. The victim lived in Narathiwat before and moved to Yala upon marrying one year ago. He has one daughter. Nothing unusual happened in his village before his disappearance. The sister of Wae-asi's wife

## **ANNEX 4**

### **Death and Threats to Human Rights Defenders**

#### **1. Ma-usoh Malong**

The Tak Bai Inquest trial came to an end in October 2007 with the disturbing killing of Ma-usoh Malong, the husband of Yaena Solaema, a well-known human rights defender who has been closely involved in the campaign for justice for the Tak Bai victims. On 10 October 2007, unidentified gunmen shot dead Ma-usoh near a teashop close to his house in Praiwan sub-district. Witnesses reported that the gunmen came in a green pick-up truck and used a M-16 submachine gun. There were two more incidences involving a green pick-up truck in Jao-i-rong and Sapom subdistricts that same day. Ma-usoh's wife, Yaena, has been organizing and supporting the victims and families of the Tak Bai incident and received an award from the National Human Rights Commission in 2005. In September 2007, Mayusoh and his wife had hosted a meeting of Tak Bai relatives in their area and human rights activists from Bangkok at their home.

#### **2. Sabawee Yapa**

The Tambon Chief in Sungai Padi District, Mr. Sabawee Yapa was shot while driving his car. His wife was severely injured and a friend in the car with them was also killed in the attack. Sabawee had been requesting the release of ten men arrested in his village from army detention during the month of Ramadan, and organizing family visits to the detainees. He had also been in regular contact with human rights defenders reporting human rights cases in his area.

#### **3. Munso Binsoh**

On 5 November 2007, a village headman in Yaha district of Yala was shot dead. He had been in regular contact with human rights defenders regarding disappearance cases and other violations in the area. He had also been cooperating with the Yala Governor's office. In the weeks before his death he had reported a torture case to local human rights defenders in which a man was tortured by military in a school nearby his house. He visited the man in hospital and gave him some assistance.

#### **4. Journalist harassed**

A Bangkok Post journalist visited Kolo Balae, a village in Banang Sata district in which nearly 80 villagers had been arrested with one of them having been shot during detention. The journalist was surrounded by a group of armed soldiers on her way back forcing her to get out of the car, taking her picture and ID card, searching her car and confiscating her documents. Moreover, a group of students were barred by military officers to visit villagers in Banang Sata. The soldiers argued that they did not want the students to talk to the villagers saying it was not safe for them to go.