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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF
DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Extra-judicial Killings of Migrant Workers and Impunity in Thailand

1. On 13 February 2003, 38-year-old Sam-ang Chumchon was riding a bicycle home in Udon Thani, Thailand, when she stopped alongside a car at a red light. A motorcycle pulled up alongside and a man on the back started shooting into the car. The bullets passed through the vehicle and killed Sam-ang along with two of the car's occupants. Sam-ang became another statistic in the so-called "drug war" declared by the Prime Minister of Thailand that month, which in 2003 left at least 2500 persons murdered with impunity. Although Sam-ang was clearly an innocent bystander, as she was killed in a "war"-related killing, no one in her community offered help with the funeral, and her family's reputation was ruined because most people presumed that she was also somehow guilty of wrongdoing.

2. Extrajudicial killings have occurred in Thailand for many years. Last year, the Asian Legal Resource Centre submitted a written statement to the Commission on the killing of illegal migrant workers. (E/CN.4/2003/NGO/149). In that statement it noted that the impunity with which persons from other countries are killed in Thailand is indicative of the crisis facing the rule of law in that country. In 2003, that condition became increasingly apparent with the spreading of killings among Thai citizens themselves, on accusations of being involved in the drug trade.

3. On 28 January 2003, Prime Minister Thaksin Shinawatra initiated a campaign that not only allowed officials responsible for killing suspected drug traffickers to remain free, but also rewarded murder by portraying alleged drug-traffickers as sub-humans deserving to die. Sections 33 and 75 of the Constitution of the Kingdom of Thailand contain provisions corresponding to article 14 of the International Covenant on Civil and Political Rights, to the effect that all persons are equal before the law and are presumed innocent until proven guilty. However, in implementing this campaign the Prime Minister of Thailand created a special category of persons, alleged drug dealers, for whom these provisions needed no longer apply, for whom any pretence of ordinary criminal procedure could be abandoned.

4. In June 2003, the Asian Legal Resource Centre released a special report, 'Extrajudicial killings of alleged drug dealers in Thailand' ("article 2", vol. 2, no. 3). The report notes that whereas the Government of Thailand has consistently blamed the killings on "bad guys killing bad guys", many killings had clear evidence of police involvement, and although the manner of killings varied across the country, a clear pattern could be ascertained:

- a) A victim's name would appear on a police 'blacklist' or 'watchlist'. The list would be made public knowledge, by word of mouth, or other means.
- b) The victim would receive a letter or some other notice instructing her to go to the police station.
- c) At the police station, the victim would be coerced to sign something admitting guilt, or otherwise acknowledge guilt, with promises by the police that her name would be removed from the list.

- d) The victim would be shot on the way home, or within a few days, usually by a group of men in civilian clothes, in daylight and in a public place or at her house, often in front of and without regard to witnesses.
- e) Police would fail to investigate the killing properly, and would concentrate on establishing the victim's guilt as a drug dealer.

5. The following stories, contained in the above mentioned report, illustrate how the killings were organised to target "expendable" persons in order for the police to meet government-imposed tallies:

- a) On 17 February 2003, Somjit Kuanyuyen, a 42-year-old mother living in Ban Laem district, Petchaburi, reported to the police after her name appeared on a blacklist. At the police station she was ordered to sign a document she could not read, as she was illiterate. The police told her she would then be safe. Three days later, four men with crew cut hairstyles, sunglasses and black clothes arrived in a pick-up truck at the grocery stand next to her house. Two entered the premises, and one shot Somjit while her seven-year-old granddaughter clung to her leg. Her family watched as the man shot Somjit six more times in the back, killing her. Even though the premises were only 20 metres from a police box on a main road, the police took a long time to come and investigate. When they did arrive, they collected no evidence and asked no questions about the murder, nor did they take any steps to apprehend the killers. They only asked if Somjit was involved in the drug trade, and threatened her daughter to keep quiet.
- b) On 12 February 2003, 45-year-old Jai-jue Sae Thao, his younger brother Somchai Sae Thao, their 59-year-old cousin Boonma Sae Thao, and 59-year-old Seng Sae Theo, the head of the Doi Nam Pieng Nam Din village, were traveling by truck in Lom Kao district, Phetchabun, after going to the Lom Kao district office. Two of the men had received notices to report to the authorities the previous day. Fourteen kilometres short of their village, all four men were found dead. Their bodies had been lined up execution-style on the roadside, and the men had been brutally attacked before being shot in their heads. Witnesses who initially claimed that uniformed police had killed the men were quickly silenced. Autopsy reports were not made available, and evidence appears to have gone missing.
- c) Kwanla Puangchomphum and Thanom Montak were shot dead on 26 February 2003 shortly after leaving Tha Chaliang police station in Nong Phai district, Phetchabun, where they had gone to pay a fine for marijuana possession. A white sedan that witnesses claim to have seen in the police station car park came alongside the couple's motorcycle, whereupon both were shot dead. The following day their son fell on his knees in front of the Prime Minister and begged for justice. The Prime Minister promised to look into the matter, but police officials dismissed the killing as "drug-related".
- d) Bussaporn Pung-am, a 39-year-old whom police allege to have been a major methamphetamine dealer, was shot dead in her home in Muang district, Nakhon Pathom, on 11 February 2003, while having lunch with two neighbours. They claim that an "unidentified man" got out of a pickup truck, walked inside the grocery store that is part of

the house, and shot Bussaporn five times. Police again dismissed the case by saying they found court documents in a bag in her house showing she had acted as a guarantor for more than 200 drug suspects who had been released on bail.

6. One characteristic of the campaign was the lack of police investigations after victims were murdered. Police sometimes excused themselves on the grounds that they needed all their resources to meet the government targets, however the acting director of the Forensic Science Institute observed that her agency had resources available to help investigate cases, but the police were not seeking its assistance, and instead had had autopsies conducted elsewhere and evidence removed. Where police did attend the murder scenes, their investigations and questions were typically directed towards establishing the victims' guilt, rather than take action to arrest the murderers, and where evidence of drug trading was purportedly uncovered, it was also used to justify the murder and effectively close the investigation.

7. During the killings, media and public concern was restricted to the suffering of obvious innocents, rather than the practice of murder as public policy. One reason the media narrowed its reporting on the campaign was in response to overt and covert government threats. The Defense Minister at one point accused journalists of collecting money from drug dealers. Additionally, the Prime Minister is a media and communications tycoon whose business influence and financial power can be used in many ways to silence criticism. Only since the King encouraged media freedom in December 2003 have journalists and others begun writing openly on the effects of the campaign.

8. The Government of Thailand has not only repressed and ignored most of the criticism of the killings from its own public but also feigned indifference to international criticism. Dr Pradit Chareonthaitawee, a member of Thailand's National Human Rights Commission received political warnings and death threats after expressing concern about the high number of killings at a United Nations conference. The National Human Rights Commission itself was intimidated into silence and forced to spend its time defending itself from government attack, rather than investigate complaints. The Prime Minister also openly dismissed the United Nations, and personally attacked its Special Representative on human rights defenders.

9. Some of the consequences of these killings in Thailand are as follows:

- a) Old feudal practices are being revived, where punishments are being meted out at the wish of the rulers without any references to limits imposed by law and morality.
- b) The police force has lost all integrity. As a result, corruption and lawlessness will increase.
- c) Criminal and police links have been hardened. These extrajudicial killings involved the specialization of functions shared between police and their accomplices. Such activities are well coordinated, and will not end. A new relationship has been established between the killers and the planners of the killings.
- d) Secrecy and deception will likely increase, with the need to deny the responsibility of individuals and also the entire police system. Falsehood must become policy, out of

necessity. Involved politicians will enter into compromises with police officers. Disciplinary control of the police will become even more difficult.

10. Addressing these consequences will not be easy. After such a profound crisis hits a country, it can be difficult to move forward. To facilitate change, the Asian Legal Resource Centre recommends to the Commission that it become far more assertive in dealing with these killings in Thailand, and
 - a) Insist that the National Human Rights Commission of Thailand be permitted to investigate freely and make public its findings in all complaints of killings, and provide it with necessary resources to this end. These findings should be submitted to the National Assembly and take into account the adequate compensating of all victims and their families, irrespective of whether they have been deemed guilty or innocent of wrongdoing.
 - b) Pressure the Government of Thailand to instruct the Ministry of Justice to investigate and prosecute all cases of murder, and enforce the law equally and without delay. In particular, the Ministry must ensure that in every possible case full and proper autopsies and forensic examinations are conducted. Where bodies or evidence have been destroyed or 'lost', the police officers responsible must be held to account. The Ministry should also improve the procedures for management of autopsies and site investigations.
 - c) Urge the Government of Thailand to order the Royal Thai Police service to suspend immediately any officers subject to inquiries in relation to these killings, until they are found guilty or innocent through open and fair due process.
 - d) Request the Special Rapporteur on extrajudicial killings to approach the Government of Thailand and raise these murders as a subject of special concern, with a view to granting an international team access to investigate the killings thoroughly.
 - e) Respond vigorously to attacks on its credibility, and that of its representatives, by the Prime Minister and other officials in the Government of Thailand.
 - f) Provide material assistance to all agencies genuinely investigating these killings, and suspend partnerships with those failing to cooperate.
 - g) Recommend that international donor agencies as a matter of policy raise concerns regarding these events, and tie the provision of assistance for programmes in Thailand to evidence of progress in investigations.
