



# General Assembly

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## Human Rights Council

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Agenda item 4

### Human rights situations that require the Council's attention

## **Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status**

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

[15 February 2010]

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

## **Urgent matters of great concern: Thailand**

Since January 2004 there have been some 9,500 attacks that have caused more than 4,100 deaths and injured more than 6,400 people. The latest bombings, followed by massive cordon-and-search operations of the army and paramilitary forces underline the government's difficulty in imposing control over the rubber-rich region and to ensure the protection of basic human rights.

On June 8, 2009, six gunmen surrounded al-Furqan mosque in Ai Pa Yay village (Narathiwat province), during evening prayers and opened fire. Eleven Muslim worshippers in the mosque were killed and eleven wounded. The attack sparked outrage in the Muslim world, fuelled by some Thai officials blaming Muslim insurgents for the murders. In January 2010, Thai authorities had to acknowledge that the massacre was committed by a former ranger and Buddhist members of government supported defence volunteers. The presumed leader of the attack, the Buddhist Sutthirak Kongsuwan, turned himself to the police on January 14. Four other alleged accomplices remain at large. All of the men involved in the attack had received some military training.

### **Impunity**

Tensions in southern Thailand were running high in May 2009 after a broadly contested ruling of Songkhla Provincial Court on May 29th, 2009, clearing all security officials from any wrongdoing at the Tak Bai massacre in September 2004, when 78 unarmed Malay Muslim demonstrators died from suffocation. The verdict ignored the fact that protestors were stacked on top of one another in the military vehicles. Human rights lawyers have submitted a petition to the Bangkok Criminal Court on behalf of the relatives of the massacre victims claiming that the verdict was "unjust and violated the constitution".

It is not the first time that impunity prevails after Thai security forces committed massacres, extra-legal executions and torture in southern Thailand. On April 28th, 2004, in the "Krue Se" incident 106 Malay Muslims died in clashes with security forces. Of these, 19 were killed at Saba Yoi district (Songkhla province) and 31 died when security forces stormed the Krue Se mosque (Pattani province). Despite launching a judicial inquest for the Krue Se incident, the prosecutors decided not to file a lawsuit against five police officers and a soldier involved in the violent deaths. No explanation was given why no security officials were taken to court.

The Muslim Attorney Center has found no cases in which state officials have been prosecuted for violating human rights. But it should be pointed out that civilians have filed more than 400 cases concerning violations of human rights.

### **Rising violence against civilians**

Insurgents are committing violence against civilians to scare Buddhist Thais away and to punish citizens they deem to be cooperating or collaborating with the authorities. Furthermore by deliberately targeting civilians on a regular basis they intend to keep ethnic Muslim Malays under control and discredit Thai security forces which by heavy-handed reprisal attacks on civilians are committing new human rights violations.

## **Military abuses of civilians**

Arbitrary arrests, disappearances, brutal search missions affecting whole villages and areas, internment in special security camps, extra-legal executions and massacres are commonplace in south Thailand. Systematic torture in counter-insurgency efforts has been documented by local and international human rights organizations. The Muslim Attorney Center in Yala has documented 77 cases of torture by April 2008.

Since 2004 more than 10,000 civilians have been arrested under the suspicion to support “terrorism”. Military round-ups of young Muslim men frequently have been reported by witnesses. Thousands have been held for months under inhumane conditions in secret army camps, isolated from their families and were denied any personal contacts. Many people arrested under false accusations reported about intimidation, torture and personal threats by security personnel. Others reported about arbitrary arrests of family members to strengthen the pressure on the detainees to “confess” or to disclose their personal contacts with friends.

Since the beginning of the conflict almost 1,000 cases of human rights violations have been submitted to the Muslim Attorney Center by civilians. The Center receives an average 20 complaints a week and has been handling 300 cases between January and June 2009, some 100 of these cases were taken to court. Human rights violations were facilitated by the Martial Law Act, the Emergency Decree and a general atmosphere of impunity. The Martial Law Act was imposed in January 2004 for all regions of Narathiwat, Pattani, Yala province and for four districts of Songkhla province. The Emergency Decree initially was introduced for the same area in July 2005 and repeatedly renewed at three-month intervals since then.

Since 2004, courts have dismissed more than 70 percent of cases related to violations of the Martial Law Act or the Emergency Decree in southern Thailand. Each judicial case generally takes at least two years for the court to come up with a ruling. In cases involving people who are suspected to support “terrorism”, they hardly ever are granted bail. Regularly, these cases are taking at least four to five years to be ruled by the Appeals Court and the Supreme Court.

The military claimed in November 2009, that violent incidents have declined 28 percent in the year 2009 in south Thailand due to the army’s “hearts and minds” campaign. But witnesses on the ground reported that these figures are not reliable due to attempts by soldiers to intimidate civilians or to offer them money if they refrain from filing human rights violations.

## **Threats against human rights defenders**

On February 8, 2009, about 20 soldiers and police raided the office of the Working Group for Peace and Justice (WGPI) in Pattani province. They searched the office for three hours, went through data in the computers and files, interrogated volunteers and intimidated personnel. WGPI is an internationally respected nongovernmental organization that reports on human rights abuses in south Thailand.

Since the beginning of armed conflict a number of human rights defenders have been interrogated, arrested and tortured by security forces. Some of them “disappeared”. Their fate is still unknown. None of these cases have been sufficiently investigated by the authorities and none of the perpetrators of these human rights violations have been brought to justice.

## **Civil defence forces are inciting tensions and violence**

As violence has escalated, one response has been the rise of civil defence organisations and village protection units to boost security. But it has triggered concerns over an uncontrolled proliferation of weapons that adds to a climate of mistrust between Thai Buddhist and Muslim communities. At least 71,000 “volunteers” have been armed by the security forces: 47,400 members of “Chor Ror Bor” village Defence teams and 24,700 “Or Ror Bor” volunteers. An additional 30,000 civil militia staff will be trained until the spring of 2010. Experience in other armed conflicts (Darfur, Iraq) has demonstrated the negative impact of arming civilians which usually leads to an uncontrolled spread of firearms and to the loss of any control of power by state authorities. Self defence volunteers are not sufficiently trained and neutral to ensure security for all citizens. Furthermore, some of these civil defence groups in south Thailand have been recruiting child soldiers.

## **No priority for peace**

Despite repeated announcements of the Prime Minister for a political approach to end the insurgency, the government has made no progress in its attempt to limit the power and influence of the military in the south. The army has succeeded in preventing that the civilian-led Southern Border Provinces Administrative Centre could operate independently from the military’s Internal Security Operations Command (ISOC).

Furthermore the army has made pressure not to issue an amnesty law for suspected insurgents or to accept any form of autonomy for the south after politicians proposed more self-rule to effectively end the insurgency. Local human rights groups and civilians are reporting that the soldiers are ignoring concrete orders of the Thai government to respect human rights. Despite announcing a political approach in the south the government has sent an additional 4,000 troops to the conflict area in 2009. At least 66,000 security forces are stationed in the area.

The government has claimed to develop the south by spending 1.6 billion US-Dollars for 300 projects. Certainly it is a positive decision to strengthen development efforts in the long time neglected area. But to be honest the government should acknowledge that some of its announced spending is covering the huge costs of the military intervention. That is not really the development the people in the south have been looking for.

## **Society for Threatened Peoples calls on the Human Rights Council to urge the Thai government:**

- To stop impunity and to ensure that all perpetrators of human rights violations are brought to justice;
- To ensure that all security forces are respecting human rights;
- To end the arming of civilians that incites tensions;
- To lift the Emergency Decree and the Martial Law Act;
- To end the military rule in south Thailand and to empower civil structures;
- To withdraw a significant number of soldiers to encourage dialogue and the search for a peaceful solution of the conflict.