
THAILAND

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

A prominent event in Thailand in 2009 was the anti-Government protest organised by the United Front for Democracy against Dictatorship (UDD), backed by deposed Prime Minister Thaksin Shinawatra, in late March and April. At least 123 people were injured during street battles. Moreover, after UDD protesters broke into the meeting site of the summit of the Association of Southeast Asian Nations (ASEAN) on April 11, 2009, the summit was cancelled. In response, the Government declared a state of emergency in Pattaya, Bangkok and surrounding provinces. On April 12, about 50 UDD members protesting the state of emergency and the arrest of one of their leaders forced their way into the Interior Ministry. In the night of April 13-14, at least 77 people were injured and two were shot dead¹. Furthermore, despite Prime Minister Abhisit Vejjajiva's declarations that he would shift the focus from a security-oriented approach to development and justice, no significant progress was reached in 2009 in tackling the southern insurgency that has claimed more than 3,900 lives in the last six years. On the contrary, violence intensified, harsh laws remained in force, and militias exacerbated Buddhist-Muslim tensions. Armed forces obstructed efforts to assert civilian control and opposed the lifting of martial law and emergency decree in force in the three conflict-racked provinces of Pattani, Yala and Narathiwat².

Other developments attracted a chorus of international protests. In particular, the Government of Thailand proceeded with a high number of forcible returns of refugees coming from neighbouring authoritarian regimes in 2009, in violation of the principle of non-refoulement³. In December, some 4,000 ethnic Hmong Laotians were deported back to Laos, although many had been in Thailand for over 30 years and some were recognised as being in need of international protection⁴. Furthermore, the execution

1/ See Union for Civil Liberty (UCL).

2/ See International Crisis Group Report, *Southern Thailand: Moving towards Political Solutions?*, December 8, 2009.

3/ According to the principle of non-refoulement, no State should expel, return or extradite a person to another State where he or she would be in danger of being tortured.

4/ See United Nations Press Release, December 31, 2009. See also European Parliament Resolution P6_TA(2009)0055 on the situation of Burmese refugees in Thailand, February 5, 2009.

of two drug traffickers on August 24 – the first since 2003 – attracted widespread condemnation from the global abolitionist movement⁵.

Freedom of expression in Thailand was again restricted in 2009, not only on the Internet, but also through other media. The Ministry of Information and Communication Technology (MICT) continued in particular to silence “cyber-dissidents” and restrict freedom of expression, using increasingly the Law on *Lèse Majesté* as a pretext⁶. MICT claimed to have shut down more than 2,000 websites on this basis and a blocking of numerous other websites continued⁷. The Government also announced on May 14 that it would introduce new regulations for community radio and TV stations, aimed at controlling programme content⁸. The regulations were eventually approved and community radio stations were required to register under a National Telecommunications Commission (NTC) scheme in order to become legal broadcasters. By August 25, 2009, 5,500 300-day trial licenses had been issued, a number reaching 98 to 99% of community radios countrywide. Community stations that acquired the trial license had to ensure their programme content do not “incite political unrest and violence, offend the monarchy or disrupt social morals”⁹.

Finally, at the institutional level, the selection of unqualified members for Thailand’s National Human Rights Commission, in conflict with the criteria of the Paris Principles, was severely criticised. Out of the seven new members approved by the Senate on May 1, 2009, one was subjected to a commission investigation and several had no experience in human rights, whilst several highly qualified candidates were rejected. One of the major criticisms was the rejection of representation from recognised civil society organisations¹⁰.

Acts of harassment and intimidation against defenders fighting impunity

In 2009, defenders fighting impunity continued to be perceived by authorities as possible threats. On February 8, 2009, Thai security forces, under the command of Lieutenant Colonel Pravej Sudhiprapha, searched the office of the Working Group on Justice for Peace (WGJP) in the

5/ See UCL and World Coalition Against Death Penalty Statement, September 3, 2009.

6/ Thailand’s *lèse majesté* law is one of the harshest in the world. It provides for penalties ranging from three to fifteen years’ imprisonment and has frequently been used for political motives.

7/ See IFEX Press Release, April 8, 2009.

8/ See Article 19 and The National Press Council of Thailand Report, *Impact of Defamation Law on Freedom of Expression in Thailand*, July 2009.

9/ See UCL.

10/ *Idem*.

southern province of Pattani. Twenty members of the police and military spent three hours searching the office. The search was reportedly carried out under martial law, following information that militants had been seen in the area. Security forces ordered the volunteers to provide the login passwords of the computers, which contained details about abuse victims, witnesses, and other sensitive information. Moreover, the military dropped leaflets over southern areas, which included the name and address of Ms. **Angkhana Neelapaijit**, the chair of WGJP and the widow of Mr. **Somchai Neelapaijit**, a human rights lawyer who disappeared five years ago after filing a complaint alleging that police officers had tortured clients of his in the south. This was done without her agreement and compromised her work. The search occurred after the publication of several reports about human rights conditions in southern Thailand, including one released by the WGJP¹¹. Moreover, although four Thai Prime Ministers in the past five years acknowledged that police and Government officials were involved in the enforced disappearance of Mr. Somchai Neelapaijit, none of them brought the perpetrators to justice. In addition, the police officer, who had been sentenced to three years in jail in connection with Mr. Somchai Neelapaijit's disappearance, Mr. Pol Maj Ngern Thongsuk, from the Crime Suppression Division, is believed to have fled the country. Ms. Neelapaijit has kept pressing for progress on the case of her husband and as a consequence suffered petty harassment from unknown persons on various occasions.

Killing of a rights activist in Yala province

On March 12, 2009, Ms. **Laila Paaitae Daoh**, a prominent rights activist and peace advocate, was shot in broad daylight in Krongpenang district, Yala province. Ms. Paaitae Daoh and her family had long received threats and had been targets of insurgent attacks. Alleged insurgents killed her eldest son in 2004 and her husband and second son in 2006. Despite pressures from insurgents, Ms. Paaitae Daoh promoted coexistence between ethnic Malay Muslims and Buddhist Thais. After her death, her sister received anonymous phone calls from men speaking in the local Malay dialect and threatening her with death. Ms. Paaitae Daoh's killing and the threats against her sister are widely seen to be perpetrated with the aim to intimidate Muslims who do not support the use of violence by insurgents in the southern provinces. As of the end of 2009, the authors of Ms. Paaitae Daoh's assassination had still not been identified¹².

11/ *Idem.*

Shooting of two defenders of community and environmental rights

In 2009, defenders of environmental rights in Thailand continued to be victims of assassinations and other forms of attacks, especially for denouncing abusive exploitation of natural resources affecting the environment and way of living of local communities. On November 27, Mr. **Sittichai Phetpong**, Vice-President of the Association for the Protection of Maritime Resources who worked for the socially disadvantaged, as well as for the preservation of natural resources¹³, was severely wounded by a gunman on a motorcycle, in the Khanghe district of Haad Yai (Songkhla province). He received three bullets in the body and one bullet in the arm. In the past, he had received threats from those whose continued exploitations of natural resources have been curtailed by his initiatives to prevent and protest destructive environmental practices, and reported those threats to Haat Yai police on May 31. After representatives of various NGOs and Mr. Sittichai Phetpong's father submitted a letter of demand for justice to the Governor of Songkhla province, the case was entrusted to senior police officers of the ninth region. Police Lieutenant General Wirayut (Commander of region 9) subsequently announced he would appoint a special working group for the investigation, but no progress was reached as of the end of 2009 and Mr. Sittichai remained in hospital in a critical state. Likewise, on October 6, 2009, Mr. **Praseth Rakpao**, former member of the Provincial Council of Rayong and a lawyer, was shot in his car by a gunman riding a motorcycle. The cause of the assassination is likely to be linked to the fact that Mr. Praseth Rakpao was the leader of the villagers protesting against a large investment treatment plant which runs counter to environmental protection laws. Local people had been protesting the project over several months. On July 28, they submitted to the Parliament a petition demanding justice, with almost 4,000 signatories. Before the killing, protesters had been warned of danger. As of the end of 2009, the authors of his assassination had still not been identified¹⁴.

Labour union leaders face dismissal and arrest

The right to peaceful assembly of trade unionists was curtailed in 2009, with the police using violent techniques to repress workers and their leaders. For instance, on August 27, a large number of the 1,959 workers dismissed by the Body Fashion Thailand Limited (a subsidiary of Triumph International) and their supporters protested at the Parliament in Bangkok. Most of the dismissed workers come from vulnerable groups

13/ Mr. Sittichai Phetpong has also played an important role in establishing and strengthening community organisations, as well as in the preservation of the resources of Songkhla Lake.

14/ See UCL.

such as the elderly, pregnant and disabled workers. Video testimonies showed the police using long range acoustic devices to disperse the rally. These devices emit disorienting noise up to 155 decibels, a level that can permanently damage hearing, induce pain and cause vomiting¹⁵. The following day, Dusit police bureau issued a warrant for the arrest of three leaders of Triumph International Labour (Thailand) Union, namely **Mr. Sunthorn Boonyod**, **Ms. Boonrod Saiwong** and **Ms. Jitra Kotchadej**. On January 25, 2010, Dusit police station charged Ms. Jitra Kotchadej and Ms. Boonrod Saiwong of “assembling more than ten persons to cause political disturbance”, under Articles 215 and 216 of the Criminal Code, as well as under Article 108 of the Highway Act. They were released soon after their arrest on bail of 100,000 baht each (approx. 2,200 euros). As of the end of 2009, the charges remained pending and there was no news of the whereabouts of Mr. Boonyod¹⁶.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Angkhana Neelapaijit, Mr. Somchai Neelapaijit	Harassment / Threats / Enforced disappearance	Urgent Appeal THA 001/0609/OBS 090	July 9, 2009

15/ These devices were developed for control of hostile crowds and have been used against Somali sea pirates attacking shipping, as well as in Iraq.

16/ See UCL.