

THAILAND

Widespread abuses in the administration of justice

I. INTRODUCTION

The practice of torture, and the existence of conditions amounting to cruel, inhuman or degrading treatment have persisted in Thai detention centres and prisons for many years. Torture has been used by the police as a means to extract confessions from criminal suspects during pre-trial detention in both police stations and in other places after arrest. Torture of convicted criminals by prison guards and “trusties”¹ also occurs, particularly of prisoners from Myanmar or Africa, although Thai nationals are also at risk. Punishment for infraction of prison rules appears to be the main reason for these incidents of torture in prisons.

In addition continuous shackling in heavy leg irons, particularly of those prisoners on death row in Bang Kwang Maximum Security Prison, is routine, although it is not permitted under Thai law. Other problems relating to conditions of imprisonment include extreme over-crowding and lack of adequate food, sanitation, and medical care. The Royal Thai Government does not provide sufficient funding to the prison system, which contributes to poor conditions.

Torture and ill-treatment during and shortly after arrest are ongoing concerns to Amnesty International. Abuses take place in various locations, including police stations, at the site of the arrest, and in unofficial detention centres. Criminal suspects who are poor or members of ethnic minorities appear to be most at risk. Refugees who are outside of camps and migrant workers arrested for “illegal immigration” are equally vulnerable. Agents of such practices include the police and the army.

The police, prison guards, and the army all appear to enjoy a degree of impunity in regard to their treatment of people in custody, including people who have just been arrested, those in pre-trial detention, and those in the prison system. Treatment in police lockups and prisons is largely unmonitored and unreported by either local or international organizations, which also contributes to a climate of impunity. Nevertheless Amnesty International has collected recent and consistent information about torture and ill-treatment from a variety of reliable sources.

Several weaknesses in the Thai criminal justice system exacerbate both the persistence of torture and poor prison conditions. Prison officials are paid very low salaries, which discourages people from taking jobs in the prison system, causing prisons

¹ Trusties are prisoners who are given privileges by prison guards and are sometimes instructed to beat or otherwise ill-treat fellow prisoners.

to be chronically understaffed. Low salaries also contribute to bribery of prison guards by prisoners and the abuse of power by a demotivated staff. The use of “trusties”, which contravenes international human rights standards, also permits abuses of prisoners to occur. Trusties are allowed, even sometimes encouraged, to beat prisoners as a punishment for breaking prison rules. Finally, there appears to be a weak chain of command in the prison system, so that the chief of a prison block or building is not in practice accountable to the prison governor.

Currently the Corrections Department is under the control of the Ministry of the Interior, although the government plans to shift it to the Ministry of Justice. The prison system is administered by the Corrections Department. The Royal Thai Police was moved several years ago from the Ministry of the Interior to the Prime Minister’s Office. Thailand is somewhat unusual in having a highly centralized national police department rather than provincial and city police forces. Immigration Detention Centres, where illegal immigrants, including asylum-seekers,² are routinely detained, are under the control of the Royal Thai Police.

Amnesty International has raised these issues on several occasions with the Royal Thai Government, most recently during a visit to the Kingdom during February and March 2002. The organization has also documented the practice of torture and ill-treatment, particularly in the report *Thailand: A human rights review based on the International Covenant on Civil and Political Rights* (AI Index ASA 39/01/99), which was published in January 1999. During visits to the country Amnesty International delegates have discussed problems of torture, overcrowding and shackling with the Corrections Department, who have stated that budgetary problems are a contributing factor, while reiterating that shackling is against Thai law. Nevertheless continuous shackling of prisoners still occurs, in spite of prohibitions in international human rights standards.

On 14 February 2002 high ranking Corrections Department officials escorted an Amnesty International delegation on a visit to Lard Yao Women’s Prison, Nonthaburi Province, on the outskirts of Bangkok. On that day the Director of the Corrections Department opened a childcare centre for female inmates’ children on the prison grounds. Officials reported that 83% of the 6,056 women incarcerated there were convicted of drugs offences. Only 218 guards worked at this prison, which is a ratio of 27 prisoners to one guard. Corrections officials acknowledged problems of overcrowding and the dangerously high prisoner to guard ratio. As is the case with most prisons in the

² Asylum-seekers outside of refugee camps are considered by the Thai Government to be illegal immigrants and are at risk of arrest and detention.

Kingdom, severe overcrowding is due to a very high level of arrest and imprisonment of drug users and traffickers.

The delegation toured the prison kitchens, a creche, workplaces, bathrooms, clinics, classrooms, and cells, which were clean and neat. In the face of severe budgetary restrictions, prison staff, including a respected female governor, and the Corrections Department are doing what they can to improve conditions. Amnesty International welcomes their efforts, and urges the Royal Thai Government to ensure that adequate funds reach prisons in order to make much needed improvements in conditions there.

II. TORTURE AND ILL-TREATMENT IN CUSTODY

Detainees in police or military custody are sometimes subjected to torture and ill-treatment, usually in the form of kicks and punches or beatings with batons. Poor Thai people, migrants from neighbouring countries, members of ethnic minorities, all whom are marginalised in Thailand, are particularly vulnerable. Some of these people, who have been arrested on criminal charges, are tortured to extract a confession, but others have been tortured or ill-treated as a punishment for alleged drugs possession or simply because they were in the country illegally.

Amnesty International is concerned about torture and ill-treatment by the police and the army in various forms of detention, including shortly after arrest, during transport, and in military drug treatment camps. It calls on both the Royal Thai Police, including immigration police, and the Royal Thai Army to give clear instructions to all police and army personnel not to ill-treat or torture persons in their custody. Both organizations should also initiate immediate and impartial investigations into reports of such treatment by their personnel.

Tribal people

In the last year there have been increased reports of ill-treatment and killings by the authorities of tribal people, who live mostly in northern Thailand. So-called hill tribe people, numbering slightly less than one million, live in the mountains of Thailand and include the Akha, Lahu, Lisu, and Karen groups. Many of them do not have Thai citizenship and face discrimination with regard to education, health care, and other basic rights. At the same time they are exploited as a tourist attraction while often being accused by the authorities and others of destroying the environment³ and using opium and other illegal drugs.

³ Tourists in northern Thailand are often taken to tribal areas to visit villagers, who have been exploited while their privacy is invaded. Some tribal people have traditionally practiced swidden

On 7 December 2001, two Akha tribesmen, Ateh Amoh, aged 34, and Ajuuh Cheh Cuuh Gooh, aged 42, were forcibly taken by soldiers from their village of Ban Mae Moh, Mae Fah Luang district, Chiang Rai Province, to the 11th Cavalry military camp in order to be treated in a opium detoxification program. According to Ateh Amoh, they were pushed into a small hole in the ground where three other Akha men were already detained. Soldiers then poured water, coal and ashes on the five men and left them there until the evening when they were blindfolded and taken separately for questioning. Mr. Ateh said:

“The soldiers never talked about the opium detoxification programme. They tried to force me to admit the drug charges by electric shocks to my ears, kicking my face and body, punching me hard in the body and hitting me with a gun handle on my head and chest several times...When they felt that I could no longer stand it because my body was soaked with blood, they took me back to the hole and left me there for a night and a day.”⁴

One man escaped, and as a punishment Ateh Amoh and Ajuuh Cheh Cuuh Gooh were severely beaten again. Ajuuh Cheh Cuuh Gooh died from the beatings on 9 December and Ateh Amoh spent six days in the hospital being treated for a ruptured lung and other injuries.

Army Commander-in-Chief General Sarayud Chulanont acknowledged that some soldiers used “violent means”, including detaining drug addicts in pits, in treating tribal people alleged to be drug users or traffickers in the Thai-Myanmar border area. He said that investigations would be conducted and those found guilty would be transferred and punished.⁵ Other army officers claimed that Ajuuh Cheh Cuuh Gooh died from the effects of opium addiction. In provinces bordering Myanmar there are a higher number of army units deployed as well as immigration police and Border Patrol Police. Constant drug trafficking and occasional skirmishes between various armed opposition groups and the Myanmar army affect these border provinces, some of whom are quite rural, on a regular basis.

agriculture which officials claim destroys the forest and ground cover.

⁴ *Bangkok Post*, 21 January 2002.

⁵ *Bangkok Post*, 23 January 2002.

In another case Apha Wurh Zur, a 56-year-old Ahka man from Ban Mae Sam Lep village, Mae Fah Luang district, Chiang Rai Province, was reportedly beaten to death by police on 17 May 2001 after being accused of drugs trafficking. He was believed to have been killed by a blow to the back of his head. On 24 January 2002 Police Major General Wut Withitanont, Chiang Rai provincial police chief, promised to investigate the incident. He urged the families of the victims to file complaints and said that those found responsible would face criminal and disciplinary charges.⁶

A man belonging to the Karen ethnic minority was tortured by the Thai police during interrogation for the murder of a foreigner. After Kirsty Jones, a young British national, was found murdered in Chiang Mai, northern Thailand, in August 2000, a Thai tour guide from the Karen ethnic minority was arrested. He had taken a group of tourists, including Kirsty Jones, on a mountain trek that month. On 17 August he was arrested by police on the outskirts of Chiang Mai and taken to an unknown location which he thought to be a hotel room. He stated that he was then blindfolded and stripped naked, and beaten by police, who also stood on his stomach. They demanded that he confess to the murder while threatening to kill him. He refused to do so, and was eventually driven back to Chiang Mai and dumped on the side of the road. He later said that “*They [the police] picked on me because as a Karen I am a second class citizen.*”⁷

Both Thai and international observers have stated that many murders in Thailand are solved by confession, which are sometimes extracted through the use of torture. Thai police generally receive very little training in professional investigation skills. Forced confessions are prohibited under Article 243 of the 1997 Thai Constitution, which states, *inter alia*: “*Testimonies of an individual which is caused by persuasion, promise, intimidation, deception, torture, force or misconduct shall not be considered evidence.*”

Refugees

Refugees are also vulnerable to torture, which includes acts of rape, and to other ill-treatment. Over 125,000 members of the Karen and Karenni ethnic minorities live in Thai camps along the Myanmar border and over 100,000 Shan refugees are also in Thailand, but are not permitted to establish camps. The Royal Thai Government is not a state party to the 1951 Convention relating to the Status of Refugees, nor to its 1967 Protocol, and there is no legal mechanism for someone to seek asylum. Nevertheless over the last five decades the government has permitted hundreds of thousands of

⁶ *Bangkok Post*, 24 January 2002.

⁷ *Bangkok Post*, Andrew Drummond, 8 October 2000.

refugees from neighbouring countries to seek refuge in Thailand as a country of first asylum.

However refugees have sometimes faced abuse by members of the Royal Thai Police and Royal Thai Army. According to reports, on 17 March 2002 four Karenni female refugees from Camp 2 near Mae Hong Son, northern Thailand, left their camp in order to gather vegetables. They encountered a group of Thai soldiers, three of whom attempted to seize them. Two of the soldiers seized a 20-year-old woman and a 15-year-old girl. One of them took the women's vegetable knife, threatened to cut the 20-year-old's throat with it and then raped her twice. She and the other two women, who had fled into the forest, eventually managed to escape and return to their camp after unsuccessfully searching for the 15-year-old girl. The latter refugee was raped by two of the soldiers, but finally made her way back to the camp.

The three soldiers were transferred shortly after the incident, but it is not known if an investigation is taking place or whether the soldiers will be brought to justice. Amnesty International urges the Thai Government to initiate a prompt, effective, impartial, and independent investigation and to bring those found responsible to justice. Members of the police and security forces who have been found to have committed human rights violations are sometimes transferred to inactive posts, but rarely, if ever, do they stand trial.

Migrant workers

The Royal Thai police frequently arrests migrant workers from Myanmar, who number in the hundreds of thousands, for "illegal immigration". They are detained in immigration detention centres, also run by the immigration police, and then sent to the Thai-Myanmar border.⁸ Although conditions at the main Immigration Detention Centre (IDC) in Bangkok have markedly improved in the last two years, conditions in IDC's in some other areas, particularly Chonburi province, remain poor.

On 31 August 2000 some 1,000 Burmese migrant workers were reportedly arrested after the police raided a factory in Mae Sot, a town on the Myanmar border in Thailand's Tak Province, and were taken to Mae Tao Immigration Detention Centre. Upon arrest several of the men were beaten by police, and two of them sustained serious injuries for which they were receiving medical treatment after their release. On 2 September 24 others were sent in a boat across the Moei River, which marks the

⁸ In August 2001 the Thai Government began to register migrant workers from Myanmar, Laos and Cambodia; some 560,000 migrants registered, although it is believed that tens of thousands of others did not do so. Those possessing registration cards are in principle not liable to arrest.

boundary with Myanmar. After some of them shouted at the authorities in protest, they were beaten by the immigration police. Kyaw Min, a 24-year-old man from Dagon satellite town near Yangon, Myanmar, was kicked and hit in the head. As a result he fell into the river and drowned. According to reports, his body was found by the Myanmar authorities and he was given a funeral service. The family has received no compensation for his death from the Thai Government, nor was any investigation known to have taken place.

At the same factory in Mae Sot some 2000 Burmese workers were dismissed in December 2000 after a pay dispute with the new management. On 4 January 2001 approximately 100 police and immigration authorities surrounded areas where the dismissed workers continued to hide after being forced off factory property where they had been living. According to reports, police shot into the air and arrested some 120 workers who were then taken to the local police station. Those who could not pay bribes were detained, some of whom were then sent to a detention centre where they were randomly beaten before being repatriated to Myanmar.

Torture of an ethnic Thai man during pre-trial detention

Amnesty International raised another case of torture at the hands of the police in a letter to the then Director General of the Royal Thai Police on 28 June 2000; however the organization has never received a reply. According to detailed confidential reports, Chamlong Khamsunthorn, alias Ai Keng, aged 30, was tortured to death in January 2000.

Chamlong Khamsunthorn was arrested on 28 January 2000 in Ayuthaya, allegedly because he was suspected of having robbed a local jewellery store and murdering its owner Mrs. Chintana Techawattanawanna the previous day. He lived at House Number 38/5, village 5, Tambon Samphaolom Phranakhorn Sri Ayuthaya. After his arrest he was allegedly beaten and given electric shocks, and was in very poor condition at the local police station. He was reportedly tortured during six days of interrogation during which time he had no legal representation.

Chamlong was removed from his cell on 2 February by two police officers and taken to search for the stolen gold in a field in Moo 3, Tambon Tha Mai. According to reports, police claimed that Chamlong had died after he had seized a policeman's gun and attempted to fire the weapon at the policeman, who then shot him dead in self-defence. However according to information received by Amnesty International, Chamlong was shot after he had been tortured to death. Chamlong allegedly died between 10 and 11pm on the evening of 2 February, and was taken to Ayuthaya General Hospital from the police station in the early hours of 3 February. Subsequently his body was transferred to the police hospital in Bangkok and an autopsy was performed.

Amnesty International has also received reports that Chamlong's family filed a complaint at the Ayuthaya Police Precinct. An investigation was then initiated at the local level. However it is not known to Amnesty International whether the investigation was completed or if the results were ever made public. Amnesty International is further concerned that an investigation was launched by the local Ayuthaya police rather than by an independent and impartial body.

III. TORTURE AND ILL-TREATMENT OF CONVICTED PRISONERS

Torture and ill-treatment in prisons after people are tried and sentenced for criminal offences⁹ also occur in some cell blocks of prisons, which are under the control of the Corrections Department. Beatings and kicks are generally the form of punishment given to inmates on suspicion of breaking prison regulations. "Trusties", who are selected by prison officials for special privileges, are often the agents of such practices. Reports of "trusties" (also known as "blue shirts") beating prisoners with impunity are common. Such treatment occurred frequently in Building 2 of Lard Yao Men's Prison, Nonthaburi Province, on the outskirts of Bangkok. According to informed sources, Building Chiefs in prisons have almost complete power and in practice are not held accountable to the Prison Governor. Some of them are reported to be conscientious, but others permit torture and ill-treatment of inmates by prison guards and "trusties". Some also reportedly collect bribes on a regular basis from the prisoners for privileges, including sleeping space in a cell.

On 12 November 2001 "trusties" in Building 2, Lard Yao Men's Prison were patrolling the building and apprehended an African inmate¹⁰ whom they accused of possessing drugs. They began to beat him with wooden batons, and when another inmate attempted to help the prisoner, he was kicked and beaten severely with batons all over his body by Thai "trusties". Both of the inmates were given medical attention for their injuries, but the same trustees remained in their positions, and no investigation was known to have been carried out.

Barnabas Danquan, an African prisoner in Building 4, Lard Yao Men's Prison, was severely beaten with wooden batons and kicked by 10 Thai "trusties" after prison

⁹ There are almost no political prisoners in Thailand with the exception of Sok Yoeun (m), a prisoner of conscience and Cambodian refugee, and a few Muslims who were arrested in January 1998 and whose trials are ongoing. The latter have been accused of violent activities related to the issue of separatism for the four southernmost provinces.

¹⁰ For security reasons Amnesty International does not name most of the individual prisoners whose cases are documented in this report.

guards claimed to have found him in possession of drugs on 4 August 2001. After his beating he was bleeding profusely and could not walk without assistance. He was sent to the prison hospital but turned away because there was no doctor on duty, and was then sent to Building 5 and placed in solitary confinement. The beating occurred on a weekend when the Building Chief was not on duty and there was a shortage of guards. Weekends are said to be a dangerous period in Thai prisons.

On 5 August Barnabas Danquan was admitted to the hospital and died on 7 August. He reportedly died of an overdose after swallowing heroin out of fear of further punishment. At the time of writing, no investigation is known to have taken place and the same guards and “trusties” involved in the incident remain at Building 4. He had been arrested in December 1991 for drugs trafficking and sentenced to 20 years’ imprisonment. He was also reportedly trafficking in drugs in prison.

Sinachai Saslee, a Thai prisoner in his mid-30's was beaten to death on 17 May 2001, apparently for attempting to nail a water bottle to his cell wall in Building 2, Lard Yao Prison. He and a guard began arguing about this infraction and then three or four guards began beating him with batons, and kicking and punching him. Eventually he lost consciousness at which point guards attempted to revive him, without success.

On 27 September 2000 in Building 2, Lard Yao Prison, another African prisoner was tortured. He had complained about his mail being interfered with by another prisoner to one of the officials. He was then beaten severely by three prison guards in the groin where he had been suffering from a painful hernia. He was punched and kicked continuously after he had already fallen to the floor. Although he did receive medical treatment, in October he was placed under solitary confinement in Building 5.

Amnesty International received a detailed report about torture in the same prison a month earlier. On 21 August 2000 three African prisoners, one Australian, and one Thai prisoner were beaten severely in Building 2, Lard Yao Prison in Bangkok. One of the Africans was handcuffed, kicked in the head and groin, and beaten in the kidneys for several hours. The Thai prisoner allegedly suffered severe mental trauma after the beatings.

Attempts by prisoners to escape from prison are not uncommon, often resulting in deaths of prisoners. On 13 April 2001 five prison inmates were killed when they attempted to break out of Bombat Piset Drug Remand Prison, in Nonthaburi Province on the outskirts of Bangkok.¹¹ According to reports, the five were beaten to death with

¹¹ *Bangkok Post*, 14 April 2001.

clubs by “trusties” and other inmates after they had attacked two prison officials and attempted to take them hostage. They were then believed to have been shot by prison guards. The five men are: Worapot Amkham, Krong sae Nam, Pramote Nuangsuwan, Wissarut Lamti, all Thai nationals; and Newin or Kaew, a Myanmar national. Amnesty International is concerned that prison officials used excessive force in subduing the prisoners, and calls on the Ministry of the Interior to launch a prompt, effective, impartial and independent inquiry into the incident.

In order to eliminate such abusive practices, the Corrections Department must give clear instructions to all prison staff that beatings and other forms of cruel, inhuman, or degrading treatment are not acceptable. They should eliminate the use of “trusties” in prisons. Article 28 (1) of the UN Standard Minimum Rules in the Treatment of Prisoners states *inter alia*: “No prisoner shall be employed, in the service of the institution, in any disciplinary activity.” The Corrections Department should also initiate impartial and immediate investigations into any allegations of such treatment. Furthermore, they should establish a prison visiting system, whereby officially-designated bodies, including non-governmental organizations and other members of Thai civil society, regularly visit prisons and are given complete access to all facilities and private interviews with prisoners.¹²

IV. PRISON CONDITIONS AMOUNTING TO CRUEL, INHUMAN OR DEGRADING TREATMENT

The topic of overcrowding has been discussed by Thai government officials for several years; however, little has yet been done to actually reduce the prison population. 173,902 inmates¹³ are held in 15 prisons with a capacity of reportedly only 90,000 people. Prisoners awaiting trial are often held in the same facilities as those who have already been sentenced. Article 85 of the UN Standard Minimum Rules for the Treatment of Prisoners states: “(1) *Untried prisoners shall be kept separate from convicted prisoners.*” Lard Yao Women’s Prison in Nonthaburi Province is particularly overcrowded, and in some parts of the prison are divided horizontally into two floors so that prisoners must live in cells with very low ceilings.

Many of those convicted of drugs offences have been found guilty of possession of small amounts of illegal drugs. In the last five to 10 years the enormous growth in smuggling of methamphetamines, locally known as “*ya ba*”, from factories in Myanmar

¹² Please see *Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment*, United Nations General Assembly 3 July 2001, A56/156.

¹³ Corrections Department website, 5 April 2002.

into Thailand, has affected many Thais, most worryingly young people. As a result successive governments have attempted to combat the problem with a policy of interdiction at the Thai-Myanmar border and the arrest and imprisonment of anyone found in possession of illegal drugs.

It appears that the prison system has not been given a proportionally larger budget to deal with this influx of convicted drug offenders. Severe overcrowding persists, although it is unclear as to how much this is due to lack of money and how much to lack of political will on the part of the Royal Thai Government. Poor prison conditions are exacerbated by reliable reports of corruption, including the practice of prisoners and their families bribing guards for privileges. In addition drug trafficking and consumption are believed to occur in the prison system, with reported complicity of some prison officials.

Nevertheless reformist elements in the government, most notably in the Ministry of Justice and the Department of Corrections, are attempting to address the issue of drug addiction through a new rehabilitation program which is due to begin in August 2002 and focuses on treatment rather than punishment of offenders. Approximately 80,000 people arrested on drugs charges will receive care in treatment facilities rather than be incarcerated in prisons. Amnesty International welcomes these initiatives as they would potentially reduce the prison population, thus in principle improving conditions there.

In another effort to address the drugs problem, the Interior Ministry began a new program of treatment for convicted drugs offenders in October 2001. That month the first group of prisoners were transferred to army camps for rehabilitation and vocational training. As of mid January 2002, the army had treated 2,583 drugs offenders at 25 army camps around the country.¹⁴ Only those prisoners who have less than three months of their term to serve and who have a good record are being sent to these centres.

¹⁴ *Bangkok Post*, 18 January 2002.

Prisons in Thailand have a high rate of deaths in custody from diseases such as AIDS and tuberculosis. Many prisoners with a wide variety of diseases, some of them life-threatening and contagious, receive no treatment. Although the Central prison hospital staff are very dedicated, they are extremely underfunded. The hospital medical director reported that the hospital only receives 200 Thai baht¹⁵ per year per patient.¹⁶ Reliable reports indicate that there is on average one death per week in Bang Kwang Maximum Security Prison, Nonthaburi Province. If inmates become seriously ill at night, no prison official responds to calls for help from fellow prisoners. Some of them die in their cells but the bodies are not removed until the following morning. One Chinese male inmate was reported to have died after having an epileptic fit in Building 2, Lard Yao Prison, in July 2001.

Juvenile justice system

Conditions in juvenile detention centres are also poor, sometimes culminating in riots, hostage-taking of prison officials, and escape attempts. On 14 January 2002 some 250 juveniles held at Surat Thani Juvenile Centre smashed property, set off Molotov cocktails, and burned down one dormitory in protest at harsh conditions.¹⁷ On 17 January two National Human Rights Commissioners visited the facility, and reported that inmates were hit for no reason with a urine-soaked stick, fed substandard food, and kept in overcrowded conditions. On 21 January 2002 the Minister of Justice announced that his ministry, five other government agencies, the United Nations Children's Fund (UNICEF) and the Human Development Foundation would launch rehabilitation programs for juvenile inmates.¹⁸ Amnesty International welcomes such a cooperative effort to improve conditions for juvenile inmates, and urges these plans to be implemented as soon as possible.

V. CONCLUSIONS AND RECOMMENDATIONS

Amnesty International remains concerned by the long-term problems of torture and ill-treatment, and by prison conditions amounting to cruel, inhuman or degrading treatment in Thailand. In this regard, the Royal Thai Government does not comply with international human rights standards, particularly Articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR), which Thailand ratified in 1997.

¹⁵ Approximately 43 Thai baht equals one US dollar.

¹⁶ *Bangkok Post*, 26 March 2002.

¹⁷ *Bangkok Post*, 15 January 2002.

¹⁸ *Bangkok Post*, 22 January 2002.

Article 7 states *inter alia*: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...”. Article 10 states: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Article 31 of the 1997 Thai constitution also outlaws the practice:

“Individuals have rights and liberties in their lives and in body. Arrest, detention or personal search that violates this principle is prohibited unless it is done lawfully. Torture or any kind of cruel or inhumane punishment is prohibited.”

In order to improve the situation of people in custody, Amnesty International makes the following recommendations to the Royal Thai Government:

1. The government should issue clear instructions to all officials, including the Royal Thai Police, the Royal Thai Army and prison guards, not to torture or ill-treat prisoners or others who are deprived of their liberty. All reports of torture should be promptly, effectively, impartially and independently investigated, and those found responsible brought to justice.
2. The government should take immediate steps to improve prison conditions, which amount to cruel, inhuman or degrading treatment, bringing them up to the level required by international standards. These include abolishing in practice the use of prolonged shackling; providing adequate space for prisoners; and providing adequate food and medical care for all prisoners.
3. The Corrections Department should ensure that the “trustie” system in Thai prisons is no longer used, as it leads to abuse of power given to the trustees. Article 28 (1) of the UN Standard Minimum Rules in the Treatment of Prisoners states *inter alia*: “No prisoner shall be employed, in the service of the institution, in any disciplinary activity.”
4. The prison system should employ an effective chain of command to ensure that all prison officials are accountable to the prison governor.
5. The Royal Thai Government should ratify and fully implement the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention provides a comprehensive set of obligations regarding torture to assist the Royal Thai Government in eradicating the practice.
6. All law enforcement officials should receive training in international human rights standards. The use of force, even when addressing potential escapees from prisons, should only be used according to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Offices.

7. With regard to prison medical care, prisoners should receive the same care as is generally available in Thailand. Principle 9 of the UN Basic Principles for the Treatment of Prisoners states: “*Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.*”