

£THAILAND

@The Massacre in Bangkok

The appointment of General Suchinda Khraprayun as Prime Minister on 7 April 1992 precipitated the most acute political crisis in Thailand for two decades. A series of mass protest demonstrations organized by groups opposing the military's continuing predominance in the Thai political process culminated in a violent crackdown by security forces from 17 to 20 May in Bangkok, the capital. Government official statements have reported that 52 people were killed, 696 others were injured, and 175 persons have "disappeared" in the context of the demonstrations. Unofficial sources put the number of those missing as considerably higher.

The protests and the suppression which followed were the consequences of more than a year of political instability in Thailand after the military coup d'etat of February 1991. This was the 17th such coup or coup attempt since 1932, when the military began to play a predominant role in the political process. Thai political life has since been characterized by tensions between the civilian parliamentary system and military dominance of the government. The military have also traditionally controlled various state enterprises, and high-ranking military officers have established major interests in the private sector of the economy.

In June 1992 an Amnesty International delegation met with government officials in Thailand to discuss the military's violent suppression of mass protest demonstrations from 17 to 20 May. The delegation raised concerns about the lack of judicial power of official committees which had been appointed to investigate the crisis, including tracing people missing since the demonstrations, and possible impunity granted to those members of the security forces found responsible for the killings of dozens of people during the crackdown. This report provides a summary of the 17 to 20 May events, as well as a chronicle of developments since then relating to human rights violations committed during the crisis. It also includes recommendations to the new government of Chuan Leekpai, elected on 13 September, which if implemented, Amnesty International believes would contribute to the prevention of such human rights violations in the future.

Background to the Crisis

On 23 February 1991 the Supreme Commander of the Royal Thai Armed Forces, General Sunthorn Khongsomphong, announced the overthrow of the government of General (retired) Chatchai Choonhavan, the first elected prime minister in Thailand since 1976. The group that staged the bloodless *coup d'etat*, the National Peace-Keeping Council (NPKC), claimed that they had seized power in order to combat widespread corruption in the

Chatichai administration. The NPKC abolished the constitution, imposed martial law and banned political gatherings of more than five people and activities by political parties. In March the military leaders appointed Anand Panyarachun as interim Prime Minister in the run-up to elections and promulgated an interim constitution. Under the provisions of Article 27 of this constitution, the authorities were empowered to detain without charge or trial and to execute summarily anyone deemed "to undermine national peace and security", but these powers were not exercised. Over 50 people were arrested for their opposition activities in the aftermath of the coup, but they were subsequently released and legal proceedings against them were dropped by May. There were also reports of intimidation and harassment, believed to have been committed by the security forces, of three former advisors to the Chatichai administration and two other opposition leaders. Martial law and restrictions on civil liberties were lifted in May 1991.

The NPKC appointed a National Legislative Assembly to draft a new constitution, which was promulgated on 9 December 1991. Pro-democracy groups and political parties protested against what they saw as excessive control by the military of the Thai political process and opposed several elements of the constitution, including clauses which gave considerable power to the non-elected Senate. Two hundred and seventy senators were appointed by the NPKC for a term of four years, and under the provisions of the new constitution they could participate in no-confidence votes against the government. Opposition groups also objected to a clause which allowed for a non-elected politician to be appointed as Prime Minister, and they called for an immediate amendment to the constitution.

The results of elections held on 22 March showed no large majority for any one party or coalition of parties. General Suchinda Khraprayun, the Supreme Military Commander and one of the coup leaders, was named as prime minister on 7 April by the ruling coalition of five pro-military political parties, which had won a small majority of seats in the House of Representatives. Shortly afterwards, opposition parties and pro-democracy groups such as the Confederation for Democracy, Campaign for Popular Democracy and the Students' Federation of Thailand began to organize protests against General Suchinda's appointment. The protesters came to represent a broad cross section of Thai society from all walks of life, including members of the middle class and professional groups, students, and migrant workers from the provinces. The focus of the post-election protests centred on the fact that General Suchinda was not an elected member of parliament. Opposition groups were also concerned that many officials in the previous Chatichai administration, who were later found to be "unusually rich" by a military-appointed anti-corruption panel, were named to senior posts in General Suchinda's cabinet.

The first major protest demonstration took place on 20 April in Bangkok when more than 50,000 people gathered to demand General Suchinda's resignation. On 4 May at another large demonstration attended by at least 70,000 people, Major General Chamlong

Srimuang, former governor of Bangkok and leader of the opposition Palang Dharma Party, announced that he would fast until death unless General Suchinda resigned. Further demonstrations of over 100,000 people in front of the parliament building on 6 and 7 May provoked warnings to civilians not to attend protest rallies from Air Chief Marshal Kaset Rotchananin, head of the Internal Peace Keeping Command and General Itsaraphong Nunphakdi, head of its subsidiary the Bangkok Peacekeeping Command. The official statement claimed that "In organizing this rally, a group of ill-intentioned persons have harboured an ulterior intention to create chaos, which may result in unrest among state authorities and people to the point that the legitimate government will be toppled in the end, thereby causing inestimable losses to the lives and property of a large number of innocent people." Peaceful demonstrations took place from 4 to 10 May and, for the most part, police equipped with shields and batons who were deployed at the demonstrations did not intervene.

Demonstrations continued on 8 May, with some 150,000 people gathering in Sanam Luang Park near the Royal Palace and in the streets near the Democracy Monument. The following day Major General Chamlong called off his hunger strike, but continued to lead the protest rally. Meanwhile General Suchinda refused to resign unless he was forced to do so by parliament, although he agreed to support a constitutional amendment stipulating that the prime minister be an elected member of parliament. All parties in the House of Representatives agreed in principle to this amendment and to three others including one limiting the powers of the non-elected Senate. Demonstrations were called off by protest leaders on 11 May in order to allow time for parliament to honour its commitment to amend the constitution, but Major General Chamlong called for another rally on 17 May, promising to continue protests until General Suchinda resigned. Debate on the constitutional changes was due to begin on 18 May amid speculation that the amendment would not necessarily affect the status of General Suchinda's administration.

The Events of 17 to 20 May 1992

Major General Chamlong had stated that protests would in fact take place on 17 May because of alleged military interference with plans for the demonstration. On that day an estimated 200,000 people gathered at Sanam Luang Park and after listening to speeches, attempted to march towards Government House to continue their protests. They were met by a barbed wire barricade and lines of security forces armed with shields and truncheons who blocked their route at Phan Fa Bridge on Rajadamnoen Avenue. Some of the demonstrators reportedly tried to breach the barbed wire barricade, and security forces used water cannons and truncheons in an attempt to disperse them. An eyewitness told Amnesty International that he did not see anything thrown at security forces before they turned the water cannons on the crowd. He stated that "the only provocation they might have received was verbal". The crowd did not disperse and there were reports of some demonstrators

throwing stones and Molotov cocktails. At this stage Major General Chamlong reportedly called for an end to violence and a continuation of peaceful protests.

Demonstrations continued all night and into the early morning of 18 May after General Suchinda declared a State of Emergency at 12.30 am in Bangkok and surrounding provinces and banned all gatherings of more than ten people. All publications "that endanger public security or cause public unrest" were also banned. The government subsequently ordered the closure of three newspapers, the English-language daily *The Nation*, and Thai language dailies *Naew Na* and *The Manager* for three days, but the order was revoked a few hours after its promulgation. After 11 pm security forces reportedly began to severely beat demonstrators with truncheons. They advanced through the streets firing automatic weapons, apparently in an effort to disperse the demonstrators fleeing before them. Initially troops fired in the air, but at about 4.15 am they reportedly turned their M-16 rifles directly at the crowd. At least five people are believed to have been killed in this attack, with scores of others injured, mostly by truncheon beatings. Government buildings and police vehicles were set on fire, but it remains unclear who started the fires. Photographs of men carrying belongings from the Nang Lemg police station while uniformed police looked on without attempting to intervene were later made available to a government investigatory committee. There were widespread reports of military-backed *agents provocateurs* committing violence, and Major General Chamlong and other demonstration leaders later testified to investigatory committees that a "third party" was involved in initiating violence on Phan Fa Bridge.

Demonstrators remained around the area of the Democracy Monument at daybreak on 18 May in the face of troops firing automatic rifles into the air, which injured dozens of demonstrators. In the afternoon troops again began shooting in the air in an attempt to disperse thousands of demonstrators in the Phan Fa Bridge area. Major General Chamlong, whom Amnesty International considered to be a prisoner of conscience, and several hundred demonstrators were arrested at the scene and taken away to Bangkok Police Academy, where political prisoners are generally detained. Troops continued to fire rounds of ammunition into the air as they moved down Rajadamnoen Avenue to break up the remaining crowd, but it is not known how many people were killed or injured during the afternoon. Major General Chamlong was accused by General Suchinda on national television of inciting violence and charged under State of Emergency legislation with threatening national security by leading groups of more than ten people.

Demonstrations involving tens of thousands of people centred around Democracy Monument and Rajadamnoen Avenue and continued into the evening of 18 May. At approximately 10.30 pm, troops in full combat gear shot directly into the crowd at head height at the top of Rajadamnoen Avenue after some demonstrators had charged police lines and government buildings and vehicles had been set on fire. An audio tape later made available to a government investigatory committee recorded the radio order to shoot with live ammunition at demonstrators given at approximately 10.30 pm from a major general to the 2nd Brigade, 19th regiment of the Kanchanaburi-based 9th Infantry Division. There were

also widespread reports of people being deliberately shot in the side streets surrounding the area, some of which were later corroborated by medical forensic evidence. Doctors who conducted autopsies of those killed stated that there were powder burns around the gunshot wounds, indicating they were shot at very close range. One eyewitness told Amnesty International that he saw two plainclothes police fire point blank into the crowd, killing at least two people. Members of Task Force 90, a unit of anti-terrorist troops, allegedly mingled with the crowd and shot several people with pistols. At least 20 people were believed killed and at least 100 injured by gunshot wounds. An emergency medical station was set up by civilian doctors at the Royal Hotel near the Democracy Monument. One of the doctors working there stated in a press conference on 25 May that many of the dead and injured who were sent to Bangkok's hospitals had been shot or attacked from behind as they fled from the scene.

Early in the morning of 19 May, security forces firing their weapons into the air stormed the Royal Hotel where demonstrators were seeking refuge and reportedly arrested some 700 men in the building. Troops kicked and beat dozens of demonstrators with rifle butts on the head and back, who had sought refuge in or near the hotel and were lying prone on the ground. On 30 May Police Major General Uthai Assavavilai, who was off-duty at the Royal Hotel when troops charged into the building, said that soldiers used rifle butts to beat demonstrators, forced them to lie on the ground in order to tread on them with heavy boots, and pointed loaded guns at them. When he protested to a senior official and showed his police ID card, he said he was told to "shut your mouth".

Approximately 2,500 - 3,000 people were arrested on 19 May, many of them reportedly kicked and beaten while being transported in army trucks to detention centres. There were widespread reports of gunmen shooting people in side streets in various areas in Bangkok during the series of demonstrations. It was initially difficult to determine an accurate number of people killed by security forces because hospitals were instructed not to release this information. All television and radio broadcasts, which were controlled by the armed forces, gave only the military's version of the events. Official statements have indicated that almost 700 people were injured from beatings and gunshot wounds and 52 people were confirmed dead. Demonstrations on a smaller scale continued at Ramkhamhaeng University, but there were no further reports of troops opening fire directly on unarmed demonstrators. The same day peaceful anti-government demonstrations spread to several other areas in Thailand, including Songkhla, Phuket, Surat Thani, Nakhon Si Thammarat, Chiang Mai, Nakhon Tachasima and Si Sa Ket. There were no reports of arrests or violence by security forces against demonstrators in the provinces.

On the evening of 20 May after much smaller demonstrations had been dispersed by security forces, a 9 pm to 4 am curfew was announced and most of Bangkok's streets were reportedly deserted. Unconfirmed reports circulated in Bangkok that troops from the north were moving towards the capital to stage a coup. At 9.30 Thai television broadcast an

audience which the constitutional monarch King Bhumibol Adulyadej granted to Major General Chamlong Srimuang, General Suchinda, and Prem Tinsulanonda, former Prime Minister from 1980 to 1988 and advisor to the King. The King exhorted Major General Chamlong and General Suchinda to work together to negotiate a settlement to the crisis. As a result, General Suchinda released Major General Chamlong immediately and some 3,300 other detainees were released the next morning, 2,300 from the Police Academy and 1,000 from Lad Yao Prison. General Suchinda also announced that he would give his full support to an early amendment to the constitution requiring the prime minister to be an elected member of parliament, and Major General Chamlong appealed for a halt to street demonstrations. On 21 May the government lifted the curfew, but the State of Emergency remained in effect until 26 May.

Amnesty International believes that the Thai security forces used excessive force in attempting to control crowd violence during the four days of civil unrest, which resulted in the possible extrajudicial executions of at least 52 people and almost 700 injured. International standards permit lethal force to disperse violent assemblies only when absolutely necessary and in order to protect life. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by consensus by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders on 7 September 1990) states: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death" (Principle 9). Principle 14 says further: "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary." Amnesty International has received reports of violent acts against security forces during the course of the demonstrations. However, it is concerned that security forces opened fire on unarmed crowds on several occasions, who at the time were not threatening the lives of either security forces or civilians. For example at approximately 10.30 pm on 18 May Thai security forces opened fire directly into the crowd near the Royal Hotel, and eyewitness testimony also revealed security forces shooting people at point blank range the same evening. International law requires that the use of force must always be in direct proportion to the seriousness of the situation and the legitimate objective it is intended to achieve. Although security forces initially used truncheons and water cannons to subdue the demonstrators, no other intermediate steps were taken. In two separate statements, the military indicated that 150,000 or 1 million rounds of ammunition were fired during the military operation against the protesters.

Some of those killed were victims of extrajudicial executions, a term used by Amnesty International to describe unlawful and deliberate killings of civilians by governments. Extrajudicial executions are distinguished from necessary measures of law enforcement or acts of armed conflict. They are not accidental or "panic" killings by security forces. In this instance, Thai security forces opened fire directly into the crowd of demonstrators at point blank range on several occasions, and medical evidence indicates that many of those killed or

injured had been shot in the back. This would appear to indicate that there was a shoot to kill policy which was carried out by selected officers or sections of the security forces.

The Aftermath

In the aftermath of the crisis, the government denied that the security forces used excessive force during the unrest. When Interior Minister Anan Kalinta was asked on 22 May why troops shot at unarmed demonstrators, he said, "Who said they didn't have weapons. They had sticks smashing around. They also had hands, the most important weapon." Air Chief Marshal Kaset Rotchananin, also Supreme Commander of the armed forces and director of the Internal Peace-keeping Command, stated in an interview the same day, "Don't throw blame on anyone. It was a crisis...Soldiers and policemen fire warning shots first but if the blood-thirsty come towards them they shoot them in the lower part of the body." This statement contradicted the evidence of video footage of members of the security forces shooting at head height on the evening of 18 May. The office of the Supreme Command also denied that security forces used excessive force during the unrest, and in a 30 May statement it claimed: "It is a fact that soldiers and policemen employed step-by-step mob dispersion measures ranging from lenient to acute actions as instructed by their superiors to avoid all forms of violence." However on 28 May Army Intelligence Chief Major General Tirawat Pattamanonda claimed that troops who opened fire on demonstrators did so without orders and were poorly trained.

In the days following the military crackdown in Bangkok, pro-democracy activists and others who expressed opposition to the Thai military's behaviour began to receive death threats and were subject to other forms of harassment. On 30 May Prateep Ungsongtham Hata, a demonstration leader and member of the Confederation for Democracy, said that she had been receiving intimidating letters and telephone calls threatening that her home and office would be bombed. On 18 May a warrant had been issued for the arrest of Mrs Prateep and six other demonstration leaders. A police department statement of that date said that the seven had refused to call off the mass protests, and they were further accused of "attempting to conduct a scheme detrimental of national...security".

On 3 June Prinya Thewanarumitkun, the then President of the Students' Federation of Thailand, stated that he had been told by several sources that 27 people were on a military death squad "hit list", including himself, Major General Chamlong, and six other pro-democracy leaders. These include: Jitrawadi Vorachat; Dr San Hatthirat; Dr Weng Tochirakan; Mrs Prateep; Somsak Kosaisuk; and Wira Musikaphong. All of these seven people, who would have been considered as prisoners of conscience if arrested, had been listed on the 18 May warrant. Several of them reportedly went into hiding as a result of the death threats. On 5 June, Colonel Banchon Chavalsilp, an army spokesman, denied that there were military hit squads tracking the movements of Confederation of Democracy members, and claimed that he and his family had themselves received telephone threats.

However Amnesty International remains concerned that the military is not known to have publicly condemned these death threats or to have stated that they would not tolerate the practice.

On 23 May General Suchinda announced a sweeping amnesty decree which apparently applied to both the demonstrators and to the armed forces deployed during the unrest. Section 3 of the executive decree, which was signed by the King, states: "All action of persons involved in the mass gathering between 17 May 1992 and 21 May 1992 and who has committed an act during the said date, whether as a principal, supporter, employer, or the employed, if the act violated the law, the actor shall be exonerated from any offence and shall be entirely free from any liability." Opposition to the decree and debate about its legal status broke out immediately among academics and pro-democracy activists. Legal experts commented that the executive decree was invalid because it was not approved by a Cabinet meeting, as required by the constitution. The decree was issued in the name of the King, and on 25 May was referred by parliament to a constitutional tribunal for judgement.

On 24 May General Suchinda resigned as prime minister, "to show political responsibility and to allow the amendment of the constitution to proceed in an impartial manner". In the same statement he announced that the government would provide medical and financial assistance to those who were injured and to the families of people killed, and that a committee would be established to "follow up on those who are still missing". The next day parliament unanimously passed the first reading of the constitutional amendment preventing unelected politicians from becoming prime minister. Pro-democracy activists called for the bringing to justice of Air Chief Marshal Kaset Rotchananin; General Itsaraphong Nunphakdi, Army Commander-in-Chief and head of the Bangkok Peacekeeping Command; and First Army Region Commander Lieutenant General Chainarong Nunphakdi, who commanded troops in Bangkok. On 28 May General Itsaraphong responded by saying: "At the moment there are many unscrupulous people who are bullying and undermining the good image of the army by spreading ill-intentioned rumours. I admit that there were some mistakes because the situation changed very fast. We can only apologize for that. But at the same time we have to be proud that we can protect the lives and property of the people from further damage...Don't force me into becoming a cornered dog."

After General Suchinda's resignation, both the ruling coalition and the opposition nominated elected members of parliament as candidates to replace him as prime minister. Following a delay of two and a half weeks, Arthit Urairat, Acting President of the parliament, announced that Anand Panyarachun would resume his position as interim Prime Minister. His appointment was praised both internationally and domestically as a means of diffusing tension in the country. After naming a cabinet and promising to uphold civil liberties and freedom of the press, on 29 June Prime Minister Anand announced the dissolution of parliament and called elections for 13 September. Before parliament was dissolved, it passed

four constitutional amendments, including one requiring that the Prime Minister be an elected member of parliament.

General elections were held on 13 September with the anti-military four party coalition winning 185 of the 360 House of Representative seats. (The four parties are: the Democrat Party, The New Aspiration Party, the Palang Dharma Party, and the Solidarity Party. Later the Social Action Party was added to the coalition to give a larger majority in the House of Representatives). The Democrat Party won 79 seats, which was the largest number taken by any one party, and on 23 September its leader Chuan Leekpai was appointed as Prime Minister.

Official investigations

On 29 May, Acting Prime Minister Meechai Ruchupan appointed a 14-member fact-finding committee, chaired by former president of the Supreme Court Sophon Rattanakorn, to investigate the events of 17-20 May. Its mandate was to determine the role of government officials; to determine the amount of damage caused to life and property, and recommend future preventive measures; to recommend changes in legislation regarding State of Emergency and martial law powers; and to summon officials to testify and examine evidence from all parties. However, it was not given the power to subpoena witnesses and was therefore compelled to rely on the cooperation of officials and others involved in the crisis.

An Amnesty International delegation met Thai government officials in June to express concern about gross human rights violations committed by security forces during the violent crackdown on mass protest demonstrations. Delegates had meetings on 8 and 9 June with the Director General of the Information Department of the Foreign Ministry and Ministry of Interior officials responsible for compiling lists of people missing since the demonstrations. Foreign Ministry officials assured the delegation that the findings of the committees would be made public upon completion of their reports. They also set out the mandate of the seven subcommittees: 1. to interview those who were arrested; 2. to interview those who were injured and relatives of those killed; 3. to determine the precise role of government officials, including identifying who gave the orders to shoot; 4. to interview the demonstration leaders; 5. to determine loss of life and property damage; 6. to interview both Thai and international news media; 7. to make recommendations which would help to prevent such occurrences in the future.

While Amnesty International welcomed the establishment of the two investigatory bodies formed before its visit, it urged the government to ensure that those found responsible for human rights violations be brought to justice. To this end, it expressed concern about the possible impunity provided by the sweeping amnesty decree issued on 23 May by General Suchinda. In a letter to Prime Minister Anand on 7 July Amnesty

International also urged that the government committee be allowed to investigate freely and comprehensively all reports of people missing since the demonstrations. The letter expressed concern that the committee must apparently rely on the cooperation of the military and other authorities in calling witnesses to give testimony. Amnesty International believes that committees investigating human rights violations should be empowered with judicial authority to subpoena witnesses, enter facilities and obtain all the information they require. The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the United Nations Economic and Social Council on 24 May 1989) state "[the investigating authority] shall also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same shall apply to any witness. To this end, they shall be entitled to issue summons to witnesses including the officials allegedly involved and to demand the production of evidence." (Principle 10).

Dr Pradit Charoenthaithawee, Rector of Mahidol University and a physician who treats the Thai royal family, was appointed to chair a subcommittee of the government committee, whose particular mandate was the investigation of missing people. After Dr Pradit made remarks which were critical of the military's violent crackdown on demonstrators in May, he began to receive anonymous telephone threats. These threats intensified after Dr Pradit said on 18 June that he had information about secret mass graves of missing people at various military installations. Dr Pradit identified one of his sources as an army major general, but declined to reveal his name or to make further details public. He recommended that the full government committee conduct inspections at military sites, one of which he said was in Bangkok. The military denied these allegations the next day, but stated that they were willing to allow the committee to investigate military bases. (Another committee later established specifically to look into the fate of the missing people, has subsequently gone to military installations, but to date has not found any bodies there). On 25 June members of the press were given a tour by senior military officers of the 11th Infantry Division in Bang Khen, Bangkok. When they were asked to sign a statement testifying that no secret burial plots had been found, reporters refused to do so. On 24 June Dr Pradit resigned from the subcommittee, but reportedly did not submit any evidence about the burial sites to the committee beforehand. He said that he resigned because he had received death threats and his wife and daughters were threatened with arson, bomb attacks and rape. As soon as he announced his resignation, threats against him stopped.

The findings of the government committee were submitted to the Prime Minister's Office on 14 August and published on 25 September. The committee reportedly ruled that the commanders in charge of the crackdown exercised poor judgement and used excessive force during the crisis. It reported that there was a lack of proper control in the use of force insofar as troops were evidently not required to seek approval from their superiors before opening fire on demonstrators. The committee stated that the use of lethal weapons was inappropriate, and also noted confusion in the chain of command in the police force. According to its findings, 175 people were still missing and 696 people were injured in the

unrest. The committee based its findings on personal testimonies and extensive photographic and videotape evidence. A working group was formed in order to make specific recommendations based on the findings of the committee to the then Prime Minister Anand. During its final meeting on 12 September, Anand's cabinet endorsed all twelve recommendations; however they must be approved by the new government before they are enacted. One of the proposals recommended the establishment of human rights curricula at military, police, and administrators' academies.

Another committee, set up by parliament, was established on 28 May and comprised 44 members of parliament from all parties and one army officer. Like the government committee, this panel did not have the power to subpoena people to testify before it. When parliament was dissolved, the findings of its investigation were submitted to Prime Minister Anand and turned over to the government panel. Before its dissolution on 29 June, the parliamentary committee ruled that the military had used excessive force in controlling the demonstrations. The committee also recommended that the Internal Peacekeeping Act of 1976 be rescinded in order to limit the power of the director of the Internal Peace-keeping Command, who has absolute authority to deal independently with emergencies considered a threat to national security.

The Ministry of Defence set up a third investigative committee on 9 June, chaired by Deputy Permanent Secretary for Defence Pichitr Kullavanijaya. Defence Minister General Banchob Bunnag reportedly said that he had established the committee to investigate the military leaders who may have been responsible for the violent suppression of demonstrators. The committee questioned senior military commanders Supreme Commander ACM Kaset and Army Commander-in-Chief Issarapong Noonpakdee in the course of its investigation. It submitted its findings to Prime Minister Anand on 27 July. Five days later on 1 August the Prime Minister ordered the transfer of Supreme Commander Air Chief Marshal Kaset to the post of Military-Inspector General, the transfer of Army Commander-in-Chief General Itsaraphong Nunphakdi to the post of Deputy Defence Permanent Secretary, and the transfer of General Chainarong Nunphakdi to the post of deputy director of an army college. During the annual military reshuffle announced on 9 September, those commanders directly in charge of troops in Bangkok were also transferred to other posts.

Although the findings of the Ministry of Defence committee have not yet been made public, the Prime Minister did comment on the report in an interview with the *Far Eastern Economic Review* on 3 August: "The [Defence Ministry] report, which I have no reason to argue with, was quite clear cut on the following: first, that the commanders, or whoever was responsible for issuing orders, were acting in accordance with the procedures as they existed then under the old legal framework. Secondly, the procedures led to some rather unsatisfactory results and the conclusion was that there were errors of judgement on the part of the commanders. And third that because of the errors of judgement certain changes be

made in regard to certain individuals quite soon which would demonstrate that those people would be made to accept responsibility." When asked whether some of the officers should face trials, he said, "On what basis? I only go by the report that I received. The report did not say that they acted illegally, so on what basis could they be put on trial?"

Tracing the missing

Many people who participated in the protest demonstrations are reported to have gone missing and it is feared that some may have died in the streets during the 17-20 May suppression of the unrest. In this regard there are widespread allegations that the security forces had removed bodies to secret burial sites. In the days following the military crackdown, non-governmental voluntary organizations set up "hotline" facilities to document reports from relatives of those who had gone missing. Eight "hotline" services were coordinated by Mahidol University in Bangkok, and Thai newspapers began to print lists of those who were reported as currently missing. In the months that followed the military crackdown, the "Hotline" Centres continued to record information about the missing and to attempt to confirm with relatives whether missing people had yet returned. Mahidol University began in late August to interview relatives of the missing in the provinces in an effort to verify the true number of those who remain unaccounted for.

The government also set up facilities to trace missing people. In late May the Ministry of the Interior set up centres at its offices, the Public Welfare Department and the Metropolitan Police Headquarters in Bangkok, so that people could report the missing to the government. In early June the Police Department also set up a "hotline" to record information from the general public about the events of 17 to 20 May.

On 5 July a committee comprised of families of the dead, injured and missing was established in order to urge the government to increase efforts in locating the missing. On 7 July Prime Minister Anand made a commitment to the press that he would step up efforts to locate the missing, and said that he had instructed governmental agencies involved in tracing the missing to cooperate more closely with private organizations on this issue. To this end the Police Department was ordered to crosscheck its records with those of the private centres. There had been complaints that the government was not dealing seriously with the search for the missing, and that there was a lack of cooperation by official bodies with non-governmental organizations. Throughout the various investigations of missing people undertaken by both government-sponsored and non-governmental committees, there have been and continue to be discrepancies in the numbers of those missing documented by each committee.

On 4 August General Wimol Wongwanich, appointed as new Army Commander-in-Chief three days before, stated that the army would cooperate fully with the investigation of the missing. The same day the government announced the establishment of a

new committee to investigate their whereabouts. Chaired by Aree Wong-araya, Assistant Permanent Secretary for the Interior, the committee comprises members of the military, the government, the Confederation for Democracy, and universities in Bangkok. General Wimol Wongwanich promised the army's full cooperation with the committee's efforts, and the new Supreme Commander Voranart Aphichari reportedly said that it would question low-ranking officers and troops deployed during the unrest, who were reportedly confined to barracks after the crackdown. Three subcommittees were subsequently formed in order to:

1. examine possible burial sites of bodies;
2. locate the missing;
3. deal with the press and public.

On 10 September the committee instructed local officials in Kanchanaburi province near the Myanmar (Burmese) border and in Surin, near Thailand's border with Cambodia, to investigate allegations of bodies having been dumped in these areas. However to date any such investigations have been inconclusive.

Compensation

On 26 May the Cabinet approved criteria for assistance to the victims of the violent suppression of the civil unrest, and budgeted 10 million Thai baht¹ for the purpose. The injured who require hospitalization of more than 3 days would receive 10,000 baht; and those hospitalized for more than 30 days would receive an additional 3,500 baht per month or 80% of their salary; the disabled would receive 50,000 baht and school fees for their dependents; and the dependents of those killed would receive 200,000 baht and school fees. Amnesty International welcomes the government's acceptance of the need to compensate relatives and victims for their loss, and urges the government to ensure that financial compensation does in fact adequately provide for their actual needs.

It remains unclear when the dependents of those who remain missing will receive compensation. A document prepared by the Foreign Ministry for the Amnesty International delegation dated 8 June states: "After one year, if the missing persons cannot be accounted for, they will be declared deceased and their relatives will be entitled to the same compensation as those who were actually killed." On 6 August a group of relatives of the victims claimed that there had been no assistance yet given to the families of the "disappeared". Amnesty International recommends that an independent commission be appointed to process applications from relatives of the missing requesting compensation for their loss.

23 May Amnesty Decree

¹ There are approximately 25 Thai baht to one United States dollar.

On 25 May a Constitutional Tribunal comprising members from both the ruling coalition and from opposition political parties was formed by parliament in order to interpret the legality of the Amnesty Decree which General Suchinda issued immediately before his resignation. Paragraph 2 of Article 172 of the December 1991 constitution states that "The signing of a royal decree, as set out in paragraph 1, can be carried out when the Cabinet considers there is an emergency situation which warrants the urgent issuing of a decree, and when there is no alternative procedure." Opposition party members of parliament had objected to the Decree on the grounds that it was not adopted during a genuine emergency. They claimed that by the time the decree was issued on 23 May, the emergency had passed, so there was no legal basis for its existence. On 3 June the Constitutional Tribunal rejected the opposition's appeal, ruling that under Article 172 the Cabinet is allowed to use its own judgement as to what constitutes an emergency. The tribunal announced that it had no authority to rule on whether there was an actual emergency or not, which they said rested solely with the Cabinet at the time.

On 9 June the opposition parties sought a new ruling from the Constitutional Tribunal on the legality of the decree. The second motion asked the Tribunal to examine the decree in light of Paragraph 1 of Article 172, which states: "If it is necessary to uphold the security of the country and protect the general public, or to maintain the country's economic stability, or to alleviate the effects of public disasters, His Majesty the King will sign a royal decree that has the same legality as an act of Parliament." The opposition claimed that the decree did not serve to uphold national security, public safety, or economic stability, but in fact jeopardized national security by exacerbating hostility between the people and the armed forces. They also questioned the decree's constitutionality, as it was not approved by a Cabinet meeting, but instead had been sent to individual Cabinet members.

On 22 July the nine-member Tribunal ruled in a split vote that the Amnesty Decree was constitutional. They decided that the Decree did serve the purpose of upholding national security, as laid out in Paragraph 1 of Article 172. The Confederation for Democracy immediately protested the ruling, and stated that they would continue to call for military leaders responsible for the violent crackdown to be brought to justice. The Law Society of Thailand, a professional legal association, also disputed the ruling, specifying that the decree was not issued in an emergency, with the aim of upholding national security, nor was the Cabinet consulted beforehand. Groups opposing the decree agreed that its upholding set a bad precedent for Thailand, and would encourage the military in the future to act with impunity. The decree will be referred for a vote to the newly-elected parliament opened by the King on 21 September. However, there is legal debate as to whether parliament can revoke an amnesty which has already been granted.

Amnesty International is concerned that the Amnesty Decree may be used to prevent prosecutions of those found responsible for human rights violations committed during the civil unrest of 17 to 20 May 1992. Amnesty International believes that the holding

accountable of those who commit human rights violations is one of the most effective means by which governments may demonstrate their commitment to the protection of human rights and prevent further violations.

Recommendations

Amnesty International makes the following recommendations to the government of Thailand:

1. Full and impartial investigation

The government should ensure that the committee formed on 4 August to trace people missing in the context of the military's violent suppression of demonstrations between 17 to 20 May be allowed to conduct its investigations freely and comprehensively. To this end, the committee should be empowered with judicial authority to subpoena witnesses, enter facilities and obtain all the information it requires. The findings of all four official committees appointed to investigate the events of 17 to 20 May 1992 should be made public in full. The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions states: "A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law." (Principle 17).

2. Accountability for human rights violations

The government should take action to bring to justice before a civilian court those found responsible for extrajudicial executions, torture, "disappearance" or the use of excessive force during the demonstrations. The definition of those responsible should include those who may have given orders as well as those who carried out the actions. The Amnesty Decree issued on 23 May by General Suchinda and upheld by the Constitutional Tribunal on 22 July should not be used to prevent those responsible for human rights violations from being brought to justice. The prosecution of those responsible is an essential act in ensuring the prevention of human rights violations in the future.

3. Establish a clear chain of command

The government should ensure that there is a clear chain of command for the use of force in crowd control situations. Article 2 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the United Nations Economic and Social Council on 24 May 1989) states: "In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for the apprehension, arrest, detention, custody and imprisonment as well as those officials authorized by law to use force and firearms."

4. Military training

A. All security personnel should be instructed that extrajudicial executions are crimes and should be made aware of their right and duty not to obey orders to carry out extrajudicial or unlawful killings. Article 3 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions states: "Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders." Article 26 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states further that "Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to allow it. In any case, responsibility also rests on the superiors who gave the unlawful orders."

B. Amnesty International welcomes former Prime Minister Anand's proposal on 12 September to establish human rights curricula at military, police, and administrators' academies. It recommends that the new government of Prime Minister Chuan Leekpai ensures regular training for all security personnel in procedures designed to prevent extrajudicial and unlawful killings. Amnesty International urges the authorities to make international standards on the use of force, such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials (adopted by the General Assembly on 17 December 1979), known to all security forces involved in dealing with demonstrations or civil unrest, and to act to ensure compliance with them. These principles stipulate that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. Generally, firearms should not be used except when suspected offenders offer armed resistance or otherwise jeopardize the lives of others, and when less extreme measures are not sufficient to restrain or apprehend them.

5. Tracing the missing

Every effort should be made by the newly-elected government to ensure that the military and all other officials cooperate fully with the committee to discover the full truth about the whereabouts and fate of those who are missing.