

AMNESTY INTERNATIONAL/ HUMAN RIGHTS WATCH

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Thailand: Protest groups and government should reject political violence *End of Protests Is Time for Accountability*

(London, New York December 3, 2008) – With the end of the occupation of airports and government buildings in Bangkok, the Thai government, its proxies, and anti-government groups should commit to ending political violence, which in recent months has caused numerous deaths and injuries, Human Rights Watch and Amnesty International said today. The organizations called on the Thai government to create an independent commission to carry out a prompt, effective, and impartial investigation into the politically motivated violence by all sides in recent months and hold those responsible to account.

“While the end of the protests and related violence is welcome, violence may resume if political groups oppose the next government,” said Brad Adams, Asia director of Human Rights Watch. “Now is the time for protest leaders and the government to make public commitments to peaceful protest and lawful police action. It is also time for accountability. Many people have died and been injured in recent months, and this cannot simply be forgotten.”

On December 2, 2008, Thailand’s Constitutional Court dissolved the governing People’s Power Party (PPP) and two other coalition parties, Chart Thai and Matchimathipataya, on grounds of election fraud, using a constitutional provision put in place by the military junta that overthrew Prime Minister Thaksin Shinawatra in September 2006. The court also banned Prime Minister Somchai Wongsawat of the PPP and 108 other executives of the three political parties from politics for five years, effective immediately, as it was deemed that they failed to prevent the fraud committed by members of their party executive committees. The PPP has vowed to reconstitute itself under another name and continue to govern.

Claiming the Constitutional Court verdict as a victory, leaders of the opposition People’s Alliance for Democracy (PAD) ended their protests on December 3. However, the PAD said it would renew protests if another person seen as a proxy for Thaksin, as Somchai was, forms a new party and government and becomes prime minister.

“Members of the PAD, pro-government groups, and government officials responsible for violence and other human rights abuses should be held legally accountable,” said Sam Zarifi, Asia-Pacific director at Amnesty International. “The legacy of the Thaksin era and then military rule has been severe weakening of the rule of law and accountability. The present volatile situation demands commitment from all sides to strengthen respect for human rights and end impunity.”

During the recent months of political turbulence, the police have at times used excessive force to disperse PAD protesters. The most violent incident took place on October 7, when police fired teargas and rubber bullets to disperse about 2,000 protesters in front of Parliament. News footage and accounts by witnesses show that police fired tear gas in a straight line and at close range directly at the protesters. Two PAD supporters died and 443 were injured, including four cases requiring amputation. About 20 police officers

were wounded by PAD protesters who fired guns, shot slingshots, and threw bricks and metal pipes. Some police officers were run over by pickup trucks or stabbed with flagpoles.

Human Rights Watch and Amnesty International called on the Thai government to use lawful means to protect public safety and stressed that all measures used by the authorities need to be proportionate to the level of threat or legitimate objective to be achieved. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that authorities shall, as far as possible, apply nonviolent means before resorting to the use of force and firearms. Whenever the lawful use of force and firearms is unavoidable, the authorities shall use restraint and act in proportion to the seriousness of the offense. The Basic Principles also require an effective reporting and review process, especially in cases of death and serious injury.

“While police have the right to use force to defend themselves and others from attack, the extensive casualties demand an investigation into whether the police used excessive force,” said Adams. “Whenever serious injuries occur during protests, such an investigation should be mandatory.”

Since November 23, the PAD has carried out what it called “the final war” to overthrow the elected government of Prime Minister Somchai because of its close ties to Thaksin. With strong financial, political, and logistical support from anti-government political parties, business people, and elements of the military and police, the PAD proposes greater powers under a new constitution for the military and non-elected officials. Many of its supporters are armed, and some have engaged in violent attacks against police and pro-government groups.

On November 24, Sonthi Limthongkul and other PAD leaders led thousands of protesters from Government House (which was occupied by PAD on August 26) to surround the Parliament and cut electricity supplies in the compound, forcing the joint session between the House of Representatives and the Senate to be cancelled. Another group of protesters then surrounded the nearby headquarters of the Bangkok Metropolitan Police. Police decided not to use force to disperse protesters, concerned that if they used force against PAD supporters the army would use it as a pretext for a military coup.

Claiming that they wanted to secure the perimeter around the Parliament and Government House, armed PAD members acting as security guards for the movement seized passenger buses and used them as barricades in a roadblock and as shuttles to move protesters between various rally points. The Bangkok Mass Transit Authority (BMTA) reported that a number of buses from route numbers 3, 53, 56, and 515 were seized by PAD guards. Thousands of people were stranded at bus stops after bus service in inner Bangkok had to be rerouted or suspended out of security concerns. On November 24, police arrested six PAD guards who were trying to take over passenger bus number 53 from in front of the United Nations regional headquarters, using machetes, guns, and homemade grenades.

After declaring victory by forcing the parliamentary session to be cancelled, PAD leaders directed protesters to besiege the temporary government office established at Don Muang international airport on November 24. On November 25, they disrupted the government’s attempt to hold a cabinet meeting at the headquarters of the Thai armed forces. PAD supporters then occupied Bangkok’s Suvarnabumi and Don Muang international airports, on November 25 and 27 respectively.

Contrary to its claims that PAD is a nonviolent, unarmed group, its leaders have armed many of their supporters and have made no visible efforts to disarm its followers. Many PAD security guards and protesters have been arrested at police checkpoints across Bangkok with guns, explosives, knives, and machetes. For example, on November 25, Thai police reported that they arrested an armed PAD guard with a submachine gun, a pistol, a knife, homemade grenades, and a large quantity of ammunition. On November 28, 17 PAD protesters were arrested at a police checkpoint while trying to use a pickup truck marked with Red Cross symbols to smuggle weapons to the protest site at Suvarnabumi international

airport. News footage and accounts by witnesses show PAD armed guards assaulting and detaining many people in their protest sites, accusing them of being government supporters.

On November 28, the PAD leader Sonthi, who did not sleep with protestors at the airport or other protest sites, broadcast a message on television and the internet telling PAD's armed guards and protesters that they should be willing to sacrifice their lives to defend their protest sites. "We will protect our strongholds," he said. "If we have to die, then so be it ... Do not worry brothers and sisters ... Shed your blood if that it is necessary ... Our protest is righteous and constitutional ... We will not open the gate to police. If they charge it and shoot at us, we will fire back."

"The PAD has been trying for months to provoke a violent police response to its protests in the express hope of triggering a military coup d'etat and bringing down this government," said Zarifi. "The PAD should understand that when it uses force, including firearms, to endanger lives not only of law enforcement officers but also of ordinary citizens, it cannot claim to be a peaceful movement."

The PAD has shown open hostility toward the media. On November 29, a PAD leader, Somkiat Pongpaiboon, told reporters covering the protests that: "We are now at war and cannot control everything. People can get angry [with media reports]. We cannot guarantee your safety."

Reporters for the government media outlet National Broadcasting of Thailand (NBT) have often been threatened by protesters and chased out of the protest sites. On November 30, a mobile broadcast truck of the cable TV channel TNN-24 was shot at while covering the siege of Suvarnabumi international airport. Protesters forced reporters to take off their T-shirts with anti-violence slogans when they entered protest sites, particularly at Suvarnabumi.

The PAD has also actively advocated the use of charges of lese majeste (insulting the monarchy) against supporters of the government to stifle free expression. It has accused many pro-government websites of promoting anti-monarchy sentiments, a serious attack on freedom of expression given Thailand's strict lese majeste laws. More than 400 websites have closed in 2008, some by order of the police, others out of fear.

"Media freedom and freedom of expression in Thailand have been at risk from the political conflict," said Adams. "The PAD has shown little respect for these basic human rights."

Pro-government groups have also committed abuses. Members of the Democratic Alliance against Dictatorship (DAAD) ambushed convoys of protesters with bricks, water bottles, and slingshots. PAD rally sites, as well as its media outlet ASTV, were attacked with grenades and gunfire almost every night, resulting in four deaths and more than 50 injuries to date. PAD leaders accuse pro-government groups, including those led by Maj. Gen. Khattiya Sawatdiphol, of being responsible for these attacks. Police crime scene investigation teams, however, have found it difficult to investigate, as the PAD has obstructed police from timely access to the protest sites and tampered with evidence.

Over the past seven months, pro-government groups have attacked about a dozen PAD rallies across Thailand. Many of these attacks were reportedly financed and coordinated by members of Prime Minister Somchai's party. On July 24, more than 1,000 members of the pro-government Khon Rak Udorn Club used force to break up a rally of about 200 PAD protesters in Udorn Thani province. Similar attacks also took place in Bangkok, Udorn Thani, Sakol Nakhon, Chiang Mai, Sri Saket, Chiang Rai, Mahasarakham, and Buriram provinces. On December 2, a grenade was fired from a flyover near Don Muang international airport, killing an anti-government protester and wounding more than 20 others. None of the perpetrators of these attacks have been brought to justice.

"Pro-government forces have carried out violence with impunity against protesters in recent months," said Zarifi. "The Thai legal system has to hold these criminals accountable or the cycle of violence is likely to continue."

Schools near PAD protest sites have been closed down to protect students and teachers from the spillover of violence. Many violent clashes between the PAD and pro-government groups have been captured on camera, including a clash on November 25 in front of the headquarters of the pro-government Taxi Radio Group. Pro-government taxi drivers gathered in front of their Bangkok headquarters and threw bricks and water bottles at PAD convoys. In response, PAD protesters opened fire with guns and slingshots at the assailants. Some PAD protestors jumped off their trucks to attack members of the Taxi Radio Group with machetes, wooden sticks, and flagpoles. Before escaping, PAD protesters set motorcycles on fire and tried to force TV reporters to erase their videotapes. At least 11 members of Taxi Radio Group were rushed to hospitals, most with gunshot wounds.

Human Rights Watch and Amnesty International are also deeply concerned about violence outside Bangkok. On November 26, a deadly clash took place in Chiang Mai province, in the north, where Prime Minister Somchai had been forced to set up a temporary office, between the pro-government Rak Chiang Mai 51 Group and the PAD. The red-clad Rak Chiang Mai 51 set up armed units to protect Prime Minister Somchai, who was forced to set up a temporary government office in the north of the country. They first attacked and critically injured two officials of the Constitutional Court, who were mistaken for PAD protesters, at Chiang Mai airport. They went on to “hunt down” the yellow-clad PAD and block them from staging protests against Somchai. Petchawat Watanapongsirikul, a prominent government supporter in Thailand’s northern region, led about 100 members of Rak Chiang Mai 51 Group to attack PAD’s Vihok radio station in Chiang Mai province with machetes, homemade grenades, guns, slingshots, wooden sticks, iron pipes, and bricks. News footage and accounts by witnesses show that police and local authorities made no effort to stop the violence, in which one member of PAD’s Vihok radio station was hacked and shot to death.

“The police cannot take sides in fights between armed groups,” said Adams. “They have a duty to intervene impartially when violence occurs and faithfully uphold the law.”

The safety of children was at risk during the protests. Despite the fact that many PAD protesters were armed and that PAD protest sites were often the site of explosions and gunshots, many children were present at protest sites. Instead of keeping children away from danger, PAD leaders regularly brought children onto the stage with them at Government House, which had been targeted in a number of deadly grenade attacks. If protests begin again, PAD leaders, protesters, and police should take steps to ensure that all children are kept away from dangerous locations and in particular from potential clash points. Police and other government forces must ensure that their actions do not endanger children.

Human Rights Watch and Amnesty International expressed concern about the potential for abuse of the sweeping powers granted to police under the Emergency Decree announced by Prime Minister Somchai on November 27. The decree authorizes the police to end the seizure of both airports. The decree remains in force and the police can activate the following emergency powers at any time:

1. Prohibiting any person from leaving a dwelling place during the prescribed period;
2. Prohibiting the assembly or gathering of persons at any place or any conduct that may incite or lead to an unrest;
3. Prohibiting the publication, distribution or dissemination of letters, print materials or any means of communications that may instigate fear among the people or are intended to distort information to cause misunderstanding of the emergency situation affecting security or public morality, both in the area or locality where a state of emergency had been declared or the whole country;
4. Prohibiting the use of communications routes or vehicles or prescribing conditions on the use of communications routes or vehicles;
5. Prohibiting the use of buildings or barring entry or exit;

6. Evacuating people from a designated area for the safety of such civilians or prohibiting any person from entering a designated area.

Section 5 of the Emergency Decree provides no limitation as to how many times a state of emergency can be extended. This creates the risk of arbitrary and disproportionate limitations on rights and freedoms protected under international law on an indefinite basis.

Human Rights Watch and Amnesty International expressed concern that the Emergency Decree also contains a broad-based immunity provision. Section 17 states that a competent official and a person having identical powers and duties as a competent official are not subject to civil, criminal, or disciplinary liabilities arising from the performance of emergency powers, provided that such act is performed in good faith, is non-discriminatory, and is not unreasonable in the circumstances exceeding the extent of necessity. Extending as it does to all police actions, including those which may violate non-derogable human rights, such as the right to life and freedom from torture and other ill-treatment, Section 17 breaches Thailand's international obligations, including under the International Covenant on Civil and Political Rights, to investigate all such violations regardless of circumstances, and hold perpetrators to account.

With the end of the protests, Human Rights Watch and Amnesty International urged the Thai government to immediately repeal the Emergency Decree at Don Muang and Suvarnabhumi international airports.

"No one should be allowed to stand above the law," said Zarifi. "It is important that all those responsible for abuses be brought to justice and held accountable for what they did."

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