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Thailand: New Government Should Ensure Justice for Tak Bai

Joint statement by Amnesty International and Human Rights Watch

(London, October 24, 2006) – On the second anniversary of the deaths of more than 80 Muslim protesters after anti-government protests at Tak Bai, Human Rights Watch and Amnesty International called on Thailand's new government to bring to account those responsible for the deaths and injuries sustained during and after a confrontation with Thai security forces.

Human Rights Watch and Amnesty International also expressed their deep concern about the killing last week in southern Thailand of a Muslim human rights defender who had been closely involved in the legal campaign for justice for the Tak Bai victims.

On October 25, 2004, security personnel from various units were mobilized to disperse Muslim protesters in front of a police station in Tak Bai district in the southern province of Narathiwat. Seven protesters were shot dead at the scene, while 78 others suffocated or were crushed to death as they were being transported to detention facilities. Some 1,200 people were held in military custody for several days without appropriate medical attention. As a result, many protesters suffered severe injuries that required amputation of their limbs.

No security personnel have ever been held accountable in connection with the Tak Bai incident, but 58 Muslim protesters were charged for having allegedly committed criminal offenses.

“Despite overwhelming evidence, the Thaksin government refused to prosecute those responsible for the deaths and injuries at Tak Bai and to compensate the victims appropriately,” said Brad Adams, Asia director of Human Rights Watch. “If Thailand's new government wants to show that justice in the south is a priority, then addressing Tak Bai will be a key test.”

The government-appointed fact-finding committee led by Parliamentary Ombudsman Pichet Soontornpipit concluded on December 17, 2004 that the methods used in dispersing the protesters—including the use of firearms and live ammunition and the use of army conscripts and rangers who lacked experience in dispersing protesters—were inappropriate and not in conformity with established international guidelines and practices. In addition, the committee also found that the commanding officers failed to supervise the transportation of protesters in custody, leaving the task to be performed by inexperienced low-ranking personnel. The Fourth Army Region Commander, the Fourth Army Region Deputy Commander and the Commander of the Fifth Infantry Division were specifically identified as having failed to properly monitor and supervise the mission they entrusted to their subordinates.

Thai authorities have provided financial compensation to some Tak Bai victims and their families. However, Human Rights Watch and Amnesty International stated that compensation is not enough.

“Giving money to some of the victims does not free Thai authorities from their responsibility to prosecute those responsible for unlawful killings at Tak Bai and deaths resulting from appalling ill-treatment during transport,” said Natalie Hill, Deputy Director of the Asia Pacific Program of Amnesty International. “The Attorney-General’s office should now announce that it will pursue cases against those security personnel responsible for the deaths and injuries during and after the protest.”

The urgent need for justice in the South has been highlighted by the killing of a Muslim human rights defender closely involved in the legal campaign to demand justice from Thai authorities on behalf of the Tak Bai victims. On October 20, 2006, Muhammad Dunai Tanyeenoo, a 40 year-old village headman, was shot dead near his home in Mu 1 Jaroh Village, Paiwan sub-district, Tak Bai district, Narathiwat province. Muhammad Dunai’s murder reportedly came after he sought to bring some of the victims of the Tak Bai assault and their families to meet the newly appointed Fourth Army Region Commander. Human Rights Watch and Amnesty International are deeply concerned by this recent killing, and call on the authorities to initiate a prompt, impartial, independent and effective investigation.

Among the Muslim population in Thailand’s southern border provinces, the killing of Muhammad Dunai Tanyeenoo struck another serious blow to their deteriorating confidence in the legal and judicial process.

Ongoing human rights violations and a climate of impunity are contributing to an atmosphere in which reconciliation appears elusive and one in which human rights abuses by armed groups are also increasing. Bombings, shootings and beheadings of government officials and civilians by armed groups over the past two years have resulted in hundreds of deaths and injuries. At the same time resentment of the authorities is reportedly increasing support for the armed groups. Amnesty International and Human Rights Watch urge armed political groups to immediately cease all attacks on civilians and other human rights abuses.

People in the South and domestic and international observers have advised Thai authorities that a key component of rebuilding confidence in the southern border provinces is a demonstrable commitment to holding abusive officials accountable. However, as witnessed in the Tak Bai incident, there has already been a failure on the part of the justice system to hold suspected perpetrators of human rights violations to account.

In this regard, Human Rights Watch and Amnesty International urged the repeal of Thailand’s Emergency Decree on Public Administration in Emergency Situations, put in place by then Prime Minister Thaksin Shinawatra in July 2005 and renewed on 18 October 2006. Section 17 provides immunity from criminal, civil, and disciplinary liability for officials acting under the decree. The burden is placed on the complainant to prove that the officials in question did not act in good faith, acted in a discriminatory and an unreasonable manner.

In his inaugural speech, the new Prime Minister General Surayud Chulanont noted that problems in the southern border provinces were primarily rooted in the lack of justice.

“We welcome the government’s acknowledgment of this problem” said Hill. “The interim government and the military authorities must now take concrete steps to end the culture of impunity in southern Thailand.”