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Renewed emergency legislation leaves southern Thailand in human rights limbo

Thailand must stop flouting its human rights obligations while tackling insurgent violence in the South, Amnesty International said following renewal of a deeply flawed emergency decree.

The Thai cabinet renewed the 2005 Emergency Decree for three southern provinces on 18 December for a further three months – a renewal that came into effect on 20 December.

Suspected insurgents continue to abuse flagrantly international law by targeting and indiscriminately attacking civilians in the Thai south.

The decree grants sweeping powers of “preventive” detention at undefined sites for up to 30 days, at the same time preventing security forces from being held to account for human rights violations.

There continue to be credible reports of torture and other ill-treatment by security forces in detention in the south.

“In the last eight years of armed conflict and thanks in part to the Emergency Decree, state personnel have largely enjoyed impunity for serious human rights violations. This cannot be allowed to continue. The government must bring all suspected perpetrators to justice, and prevent further violations including through better protection for detainees,” said Polly Truscott, Amnesty International’s Deputy Asia-Pacific Director.

“The Emergency Decree effectively legitimises state impunity for human rights violations in southern Thailand.

“This flawed legislation in place since 2005 has failed to protect adequately people’s human rights, and flouts Thailand’s international law obligations.

“Renewing the decree yet again, the government has signalled that protecting human rights during conflict is still not a high enough priority.”

Background

The Emergency Decree authorises any state authority to detain anyone in an undefined place of detention for 30 days of administrative detention regardless of whether or not the individual is a criminal suspect. Judicial review of arrest warrants and requests to extend detention are ineffective or unenforced, and independent monitoring of detention centres is inconsistent.

The decree also limits any form of criminal, disciplinary or civil action against officials who abuse emergency powers and violate human rights. It is seen as codifying immunity for state officials and

prevents individuals seeking remedy for violations by them.

As a state party to the International Covenant on Civil and Political Rights, and as High Contracting Party to the Geneva Conventions, Thailand is obliged to refrain from arbitrary detentions, including detention in unrecognized places, to prevent and stop torture and other ill-treatment in all circumstances, to bring perpetrators of violations to justice and to provide reparations to victims.