



# THE STATE OF HUMAN RIGHTS IN THAILAND - 2008

## THE COUPMAKERS' SUCCESS AND ABUSE AS USUAL

Two years on since the army in Thailand launched its latest takeover of government, and the proof of its success has been in the chaotic political and social events of 2008. Parliamentary politics and public protest there have both been utterly discredited, and the generals' charter has as expected made the senior judiciary a more overt political tool than at any time in its recent history. That the parliamentary process in Thailand is at its lowest ebb since the early 1990s is exactly what the generals and their backers intended. Although the coup was aimed at removing that manager and manipulator of party politics, Pol. Lt. Col. Dr. Thaksin Shinawatra, and dismantling his network, he was just the embodiment of the main target: the party political system itself, and the possibilities that it has held for genuine social change which had not in prior decades existed. Meanwhile, the institutional features of abuse have remained, and so torture, extrajudicial killing, forced disappearance and a host of other incidents continue unabated and in all parts of the country.

## DENYING HISTORY AND DISAPPEARING CRIME

In February, not long after he had formed government, the new (now former) prime minister of Thailand outraged many by denying that an infamous massacre ever occurred, let alone that he had had any involvement in it. In two separate interviews Samak Sundaravej claimed that only one person died on 6 October 1976, when police and paramilitaries stormed Thammasat University, killing at least 46 and forcing thousands into hiding. He denied that he provoked the violence along with other rightists, saying that it is "a dirty history." In one of the two, with Al Jazeera on February 9, he also denied the facts of the Krue Se and Tak Bai massacres that occurred in southern Thailand in 2004, even though these have been verified by government-ordered inquiries, medical staff and post-mortem hearings in the courts:

There's a group of them make a violence there in the south. Thirty-two of them. And they fled to live in the mosque. And then the military asked them to come out. They doesn't come out. So the military must get in. So the mosque is a clean place, that the dirty man, any kind of weapon, cannot get in. But they just going there, so they just killing from outside. So... 32 of them die. And then that is in the Krue Se. And in Tak Bai they just come to make a





shouting. To make a shouting and then any kind of thing to bring six people out from jail. So the whole day, this is the time of the, they don't eat anything, they don't eat in the daytime. So, thousands of them just going there around the police station and something like that. So they end up with the... they say that, ok, we'll let them have the preparation to bring them back, the six people, but they don't, they, in the evening time, so they make a roundup for all those people and put in the truck.

**Q. Many of the families would suggest that there were very innocent people rounded up there amongst the...**

Aww, the innocent people. When that type of movement, around that thing, is innocent or not, I have no idea, but those people going fled in the truck, if they strong enough when they standing in



*An army truck outside the Tak Bai police station loaded with detainees stacked on top of each other*

the truck, it's ok. But they spent the whole day, doesn't eat, doesn't drink water, doesn't even swallow any kind of thing, because in the month of that thing, so, they just fall on each other. And 78 die, from so many truck, loading, running by... So that's it. It's a tragedy. It happened. Nobody intend to kill them. They die because of their physical. But they has been caught just to get into the barrack. So, so what's wrong with that?

Samak went on to claim that the 78 in the trucks at Tak Bai had "just fall(en) on each other" due to weakness caused by fasting during Ramadan, when it is known from video footage and the findings of forensic scientists that most died as a result of asphyxiation from being packed on top of each other in trucks.

(The interview can be viewed here: <http://www.youtube.com/watch?v=DuoqLiLSgnI>)

How is it possible for a prime minister to have made such comments without any apparent sense of shame or regard for accuracy? While Samak has a reputation for right-wing rhetoric and perversion of facts, there is an enormous difference between making offensive and patently false comments when a private citizen as opposed to when head of government. There was also much more behind the comments than a brazen personality. Rather, what they spoke to, and why they remain relevant, are the heavy enduring institutional obstacles to human rights in Thailand.

Without the maintenance of law and recording of crime, crime itself is no longer understood as crime. When the worst offences are trivialised, it not only guarantees impunity but encourages further criminality in all parts of society. If people can be killed without any consequences for the perpetrators, or even acknowledgment of the offence, the path exists for other similar acts to follow, large and small. Society is



not shaken by stories of wrongdoing because the notion of crime itself has been diminished. Ordinary murders, thefts and rapes too can be made to disappear, or look like something that they are not.

Obviously, this does not mean that laws literally disappear, or along with them, judges and lawyers, but rather that the fair operation of law becomes less and less visible. There may be many crimes in the penal code, and many other laws to affirm people's rights. There may be big buildings called courts and people in them with grand titles and clothes attesting to their authority. However, when blatant crimes have been committed and are then denied there is a dramatic failure in criminal procedure. The crimes exist and are known, yet there is no acknowledgement or investigation. There is no attempt to make an authentic record of criminality, let alone prosecute it.

When the state denies responsibility to recognise and address crimes, as it has done in Thailand repeatedly in recent years, it reduces criminal prosecution to a legal ritual in most cases, or a politically-directed act in a few others. Once law is reduced to this, rationality is lost, and with it, history—not as a result of simple forgetfulness but for want of agreed references upon which it can be said that wrongs have been committed about which something must be done.

Regrettably, Samak's remarks did not give rise to much-needed deeper discussion among persons in Thailand on why after many years of effort they have been unable to build up a widespread debate on criminal justice reform with which to break down the dominant rhetoric of the perpetrators of abuses and their supporters, and to build a culture of human rights, even though the lack of an authentic narrative on the country's past is deeply connected with the long-term denial of the rule of law, the displacement of its constitutionalism and the growth of violence in Thailand. On the contrary, Samak's downfall later in the year occurred not as a consequence of his virulent outbursts or denials of gross human rights abuses but over the technicalities of whether or not he was still employed as a television chef after taking office. Constitutionalism manifest itself in the removal of a prime minister for cooking on TV; never mind that in September 2006 when the generals took power the upper courts did as they have always done at these times: nothing. In May the following year, the coup was tacitly endorsed in a verdict of the court's successor, a military-appointed tribunal, on the simpleminded premise that as every other military takeover was legitimized through the courts, then why not this one too. Thus, the senior judges incapable of addressing the legality of a military coup were, with their responsibility reduced to the narrowest questions of fact and cleaved off from the bigger setting again able to stumble into the realm of legal absurdity.

The linkages between the disappearance of crime, the incongruities of law and the institutional blocks to a culture of human rights in Thailand can be seen clearly in innumerable cases, not least of all the outcome of the Krue Se case itself. Whereas on 28 November 2006 the Pattani Provincial Court in the postmortem inquest of Mr. Sakareeya Yusoe & 31 others (Black No. Chor 4/2547) found, on the application of the public prosecutor under section 150(5) of the Criminal Procedure Code of Thailand, that General Pallop Pinmanee, Colonel Manas Kongpan and Lieutenant Colonel Tanaphat Nakchaiya were responsible for giving the orders that caused the deaths of 28 persons inside the Krue Se Mosque at 2pm on 28 April 2004,



no action is known to have been taken against any of these personnel. This is despite the fact that under section 150(11) of the code the court must return its findings to the public prosecutor, who is responsible to initiate further criminal inquiries, under orders to prosecute from the director-general of the prosecution department (section 143). It is also despite repeated calls for action on the case by rights groups in Thailand and abroad, including the Asian Human Rights Commission (AHRC) and its partner in Thailand, the Working Group on Justice for Peace (WGJP), which have closely monitored the inquests into the deaths at Krue Se and Tak Bai, as well as that into another 19 youths gunned down at Sabbayoi at the same time as those at Krue Se.

That a court can identify three senior soldiers as liable to face criminal charges for their role in the deaths of 28 people and nothing thereafter happens to those officers is a feature of the same elements of law and institutions in Thailand that allowed Samak to deny that massacres ever occurred, or that if people die unnaturally, anyone should be held responsible. It is equally a feature of the thinking and practices behind the 2003 “war on drugs” in which the then-prime minister saw nothing inappropriate in remarking that it is not unusual for bad people to die violent deaths. And it is a feature of centuries-old thinking and practices resting on imagined sacred origins, upon which the persistent cruelty that characterises state actions in Thailand depends.

## DISAPPEARING CRIMES AND DISAPPEARING PEOPLE

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The disappearance of crime is also linked quite literally to the disappearance of people, and attendant gross abuses of human rights. In 2008, the AHRC together with the WGJP continued to monitor and document numerous forced disappearances, together with cases of arbitrary detention, torture and extrajudicial killing. The forced disappearances have occurred all over the country, and in all types of different conditions, from Kalasin in the far northeast to Narathiwat in the deep south. In no case of forced disappearance in Thailand has there been meaningful steps taken to investigate, in part because there is no law to prohibit the forced disappearance of a person and also because neither are there qualified personnel and agencies for this purpose. Instead, family members who speak out on behalf of the victims are themselves invariably targeted for harassment and threats.

Among those cases is the disappearance of Kamol Laosophaphant from the northeastern city of Khon Kaen in February. Kamol had been campaigning to expose corrupt council dealings over state railway land, among other things, and a group of police had almost beaten him up during the previous year during one confrontation. The 49-year-old delivery contractor told his family that he was worried for his safety and in January took out a life insurance policy but did not let up his fight. On February 7 he went to the Baan Phai station to lodge one of a dozen criminal complaints that he was preparing against local officials but never came back to his house only a few hundred meters away.



Kamol's wife, Nararat, and brothers say that the family had contact with him until around 11pm the day he vanished. His wife missed a call from his phone shortly after—then the line went dead. They lodged a complaint with the station the next morning, but it was not taken seriously. Underscoring the point, the deputy provincial chief shortly thereafter stated that there was no evidence to implicate his boys and that he doubted that Kamol's criminal complaints were sufficient motive for kidnapping. Instead, he said, the police had pursued the idea that Kamol had run off with a woman, and then when his car mysteriously turned up outside a hospital some 20 kilometers to the north a few weeks later, that he might have been seized with the need to dump it and go to Cambodia. Despite recovery of the vehicle and the introduction of the Crime Suppression Division to the case, there has since been no progress in the investigation.



*Nararat shows a photograph of her missing husband*

Non-investigation is a feature of most human rights cases in Thailand, and is part of the disappearing crime phenomenon. The family of disappeared human rights lawyer Somchai Neelaphaijit knows it all too well. After he vanished on 12 March 2004 the then-prime minister speculated that it was because he had argued with his wife. Later it was shown that the cause was not a marital dispute but a group of at least five men on a Bangkok road, four of them allegedly members of the same police division to which Kamol's family complained. Still, none of the five have ever been punished, four escaping conviction at the criminal trial that followed, and the fifth, Pol. Maj. Ngern Thongsuk, is reported to have accidentally drowned this September while the appeal against his conviction was still pending, although his body was not immediately recovered from the site of the accident.

But Somchai and Kamol are not typical forcibly disappeared persons. Their families consist of people who are reasonably well off, keep documents, can handle computers and government officers, and talk to the media. By contrast, the families of most victims consist of people who haven't finished school, who farm, sell vegetables and drive taxis for a living, people who are browbeaten by scornful investigators and readily threatened by the perpetrators and their agents. Their loved ones too may be troublemakers of a different type, perhaps having been accused of selling drugs or stealing motorcycles before disappearing, a type unlikely to attract public sympathy.



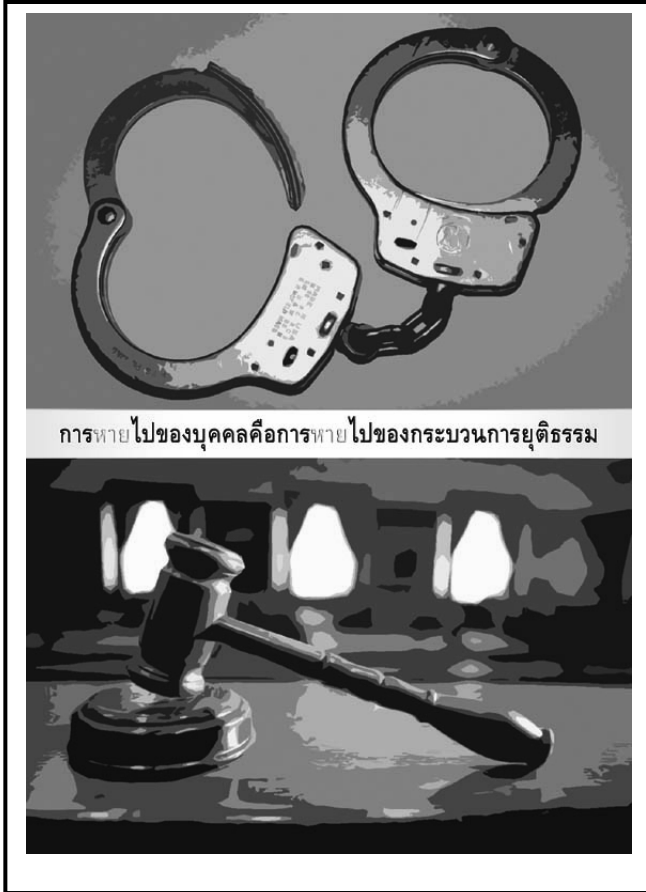
Because of this, the overwhelming number of stories of kidnapping and killing carried out at the behest of state officers in Thailand, rarely get told, let alone documented or investigated. They include the hundreds of people who became victims of abduction, extortion and torture by a Border Patrol Police gang under Pol. Capt. Nat Chonnithiwani that was uncovered early in 2008 only after it made the mistake of targeting a businesswoman and her family, who alerted other agencies. Victims, who were set up on drugs charges under which they could not get bail, described how they were held in groups and tortured. According to one, she and her partner were taken to a bungalow where they saw at least twenty more people tied up, some hooded; a few with smashed teeth and bruised faces. Another, Juthaporn Rodnoon, claimed that she was electrocuted while pregnant, despite pleading for her baby. She gave birth in remand, awaiting a trial in which she was acquitted of any crime.

Others were released after paying ransom, but many more ended up in jail, framed and penniless, and the justice ministry was inundated with complaints from these people asking for cases that the unit had handled to be reopened.



*A victim of the border patrol gang points to an apartment where he was held for a time (Source: Matichon)*

The Border Patrol Police case was accompanied by a number of other incidents early in the year that captured all-too brief media attention where police were implicated in killings and other gross abuses. These included the alleged extrajudicial execution of three men in Ayutthaya, just north of Bangkok, apparently after they had already been arrested. The three, Akkharapol “Bank” Sampao, Mongkol Yatra, and Nakhon Kwaenkhetgun were wanted for the killing of three officers in a shootout on December 31 when police had come to arrest Akkharapol at a relative’s home. Akkharapol’s family had negotiated with the police for their surrender, and had made a deal that they would hand themselves over at Ban Nong Lai in Phetchabun on January 9. Instead, the three men disappeared suddenly from a restaurant in Phetchabun that day and were found dead, all shot in the back, on a road in Uthai district the following morning. The police claimed to know nothing and say that it was a case of “killing to cut the link” between criminals—the same disingenuous explanation offered for the deaths of thousands of alleged drug dealers in 2003; the family believed that it was revenge.



*"Forced disappearance of individuals is forced disappearance of the justice process" (Source; WGJP)*

In response to media reports on the Border Patrol Police case, the commander of the implicated unit promptly denied that he was responsible for their actions, speaking to another feature of the endemic impunity enjoyed by police and other state officers in the country: command non-responsibility. Pol. Col. Somkiat Nuathong, head of Task Force 42 based in Nakhon Si Thammarat reportedly said that he never ordered anyone to abduct or torture Juthaporn, even though he admitted that he had set up the unit and allowed it to operate autonomously in order to crackdown on the movement of drugs in his area. He added that there had earlier been complaints made against the unit but internal inquiries had not uncovered wrongdoing.

Such denials of responsibility for subordinates' actions are routine in Thailand, where to the extent that a notion of responsibility exists, it is not in accepting blame but rather in defending junior personnel from allegations and intimidating persons making complaints and acting as witnesses. Yet Pol. Col. Somkiat either knew what his men were doing, because he ordered it or condoned it, or he didn't, in which case he was failing to do his job as a superior officer. And given the number of officers involved and the size of their operation, it is likely that Pol.

Col. Somkiat was not the only higher-up somehow connected with the case, although as there is as yet no agency established for effective investigation of police in Thailand there is not likely to be any uncovering of the key perpetrators, any more than there could be in the cases of Somchai and Kamol.

## STILL NO LAW ON TORTURE

It must also be kept in mind that whether or not Pol. Capt. Nat and his men were "only following orders" this is under no circumstances a legitimate excuse. The UN Convention against Torture, which Thailand joined in 2007, rules out the following of a superior's instructions as a defence for an act of torture. However, as Thailand has failed to enact a law against torture in accordance with the terms of the convention, for the victims of this unit that the crimes are not excusable by referring to orders from above is academic rather than legally significant. The lack of a specific law on torture means that justice remains outside the reach of torture victims and their families in Thailand.



Not only has the government of Thailand failed to introduce a law to address torture, it has also attempted to give the international community a contrary impression. At the seventh session of the UN Human Rights Council in March 2008, the ambassador of Thailand, Sihasak Phuangkitkeow, said in response to a statement by the Asian Legal Resource Centre that,

First, I wish to point out that Thailand has already acceded to the Convention against Torture and we fully intend to adhere to our commitments and obligations under the Convention. Second, I wish to state categorically that the Thai government does not in any way condone acts that constitute the use of torture, in violation of our law and our constitution. Third, the Thai government attaches utmost importance to upholding the rule of law, justice and due process... Any case of alleged wrongdoing or abuse by state authorities or personnel will not be taken lightly and will be fully investigated.

Unfortunately, all of these statements are at best only half true. As Thailand has failed to introduce a law to eliminate torture as it is supposed to do as per the provisions of the convention, it is not correct to say that torture is a violation of law in Thailand, and nor can it be correct to say that cases of abuse will be fully investigated, as at present there exists no legal or institutional means to conduct such investigations and protect, compensate and rehabilitate victims.

The AHRC and a growing number of other groups in 2008 continued to report on the widespread use of torture in Thailand. For instance, in April it issued an appeal on the case of Yapa Koseng and another man, Rayu Korkor, who alleged that in March officers from Ruesor District Police Station, Narathiwat, and military personnel of the 39th Military Task Force tortured him four times over two days, including by sticking a needle under his fingernails and toenails, beating him and hanging him upside down for extended periods. Yapa did not survive to tell the tale; his dead body was returned to his family. It was later revealed by relatives of Yapa who were detained along with him that he had been held inside a parked vehicle at the army base and had there been assaulted repeatedly. At the end of June a doctor concurred that his fatal injuries could but have been the result of torture. However, the camp commander, Major Wicha Phuthong, under testimony in court could not indicate exactly what time Yapa and his two sons, together with three other persons, had been brought to his custody, nor what time Yapa might have died, because, he said, no records were kept of any of these things, and the duty rosters for sentries are "mostly... thrown away afterwards". He also denied knowledge of the external injuries all over Yapa's body, even though he was in the same room as the examiner and public prosecutor when the autopsy was done, and he told the court that he didn't know what was written in the report afterwards. Nor, he said, was his superior interested to know.



*The funeral procession for Yapa Koseng*





The manner in which Yapa was taken into custody and held and tortured in a vehicle recalls another case on which the AHRC and WGJP issued an appeal during the year, the arbitrary arrest and torture of Sukrinai Loamar in the same month. On March 18, around 60 personnel from the 39th Military Task Force surrounded and shot at Sukrinai and his father-in-law Sakri as they were tapping rubber in the early morning hours, killing Sakri on the spot. They arrested Sukrinai and kept him detained in a truck with small barred windows at their camp. When his mother was able to see him the next day she was shocked to note bruises and red marks on his face. His relatives then waited outside the camp but were warned that their presence would result in Sukrinai being assaulted further and so they left. When they came again on March 20, they were told the same thing and that if they returned again Sukrinai would not be transferred to police custody but would stay where he was and be treated worse than before.

Finally on March 21 Sukrinai and other detainees were taken to Ingkayuthboriharn camp in Pattani Province. Sukrinai was then taken to Ruesor District Police Station at about 4pm, where he was able to see relatives and report that he had been tortured the night before. The torture included having his fingernails and toenails pierced with a syringe, his arms and legs scratched with syringe needles, and his back and head beaten. He was hung upside down from a tree for an extended period of time, made to grovel at the feet of the military personnel and forced to drink alcohol. His relatives said that they saw dried blood on his clothes. Then he was transferred to Tanyong Police Station, Narathiwat on March 22. According to the information available to the AHRC, since then, despite efforts by the family and local human rights defenders, neither the killing nor the alleged torture have been investigated properly.

Although the inquest into Yapa's death is continuing, there is no prospect of justice for him or the surviving victim, Rayu, for so long as Thailand does not introduce a law to address the practice of torture in accordance with international standards. Quite aside from these recent cases, the AHRC has documented and followed literally hundreds of cases of torture in Thailand during recent years and in not one case has an alleged torturer been prosecuted and imprisoned for his acts, even though many of the cases have been reported publicly, as well as directed to government and international agencies at the highest levels. This is despite many of these cases having strong evidence to link government officers to the crimes, including those resulting in death. This fact in itself speaks to the lack of seriousness with which the government of Thailand treats this issue, and, contrary to the words of its ambassador to the Human Rights Council, continues to implicitly condone the practice, as it has done for decades.

It must also be kept in mind that the incidence of torture in Thailand is extremely widespread and not particular to the parts of the country where there are special security problems, like in the south. Wherever the AHRC has studied human rights conditions in Thailand, it has uncovered cases of torture, often accompanied by cruel and inhuman treatment, such as that suffered by one person who spoke to staff of the AHRC concerning his experiences as a detainee of the police accused of dealing in drugs in Mae Ai, in the north of Thailand. The person described how he and 11 others were put together in a pit and kept chained up for almost two weeks, during which time he was brought out only for interrogation. Detainees had to urinate and defecate in the hole, and were unable to exercise, some of them being kept there for over a month. This case, which cannot be described in detail for reasons of the security of the victims, speaks to



patterns of abuse in ordinary policing in Thailand, far removed from the high-conflict zones in but a few parts of the country. It is a pattern in keeping with countries in other parts of Asia, where the AHRC has found that torture is used predominantly in mundane criminal cases, and not to extract information but to get a confession, to coerce someone into doing something, or just to show who is in charge.

## CONFUSED MULTIPLICITY AND RANDOM VIOLENCE IN THE SOUTH

While the detaining and killing of Yapa and torture of Sukrinai were going on, the WGJP released a report on conditions in the southernmost provinces of Thailand, *Human Rights under Attack*. According to the WGJP, much of the violence in the south has been provoked by poorly trained, ill-disciplined para-military forces and civilian militias, which continue to be used in ever-larger numbers in the region. The confusing multiplicity of groups, some under the army, some under the interior ministry, some organised through provincial administrations, others recruited under the Internal Security Operations Command and under Queen Sirikit's direction, contributes to the problem. Nor is there a clear hierarchy or organised system of command among the different groups, and orders within and between the groups are either given orally or the written orders are not made available to investigators, including those making criminal inquiries. Many of the persons recruited for these groups are not screened, have little training, and in many communities are known to be local thugs and killers-for-hire. There is little information available on how, if at all, records have been kept on recruitment and numbers of weapons issued, and members of paramilitary groups are known to have sold their arms to villagers and requested new ones on various pretexts.

The consequences of this approach towards the restive southern provinces can be seen by way of an example: a raid of the Rung Roj Wittaya School, Songhkla, resulting in the arrest and detention of two teachers, one of whom also was tortured. According to the school's administrator, Nasrudin Kaji, on February 5 around 200 paramilitary rangers and Border Patrol Police raided the school, rounding everyone up and searching the buildings without explanation. One of the units proceeded to the house of the school administrator and found his wife and one year old daughter as well as Aminudin Kaji, a teacher at the school, who was arrested along with another teacher, Abdulrohman Sorman, after the latter demanded of the security forces that they explain their actions. Abdulrohman was released at 6pm the same day, but when Aminudin's relatives were told to come and get him the following afternoon they found that instead he had been transferred to Ingkayuthborihan camp, from where he was finally released on February 7 at 9am.



*Injuries to Aminudin Kaji's face after his release*



Following his release Aminudin described how he had been detained at the 43rd Military Task Force base in Natawee District where five men boxed his ears and attempted to force him to confess to the shooting of a teacher and to setting off bombs. When he denied the charges, the officers beat him all over his body. When he was winded by the blows and complaining about not being able to breathe the officers responded by standing on his windpipe at least three times, and held a gun to his head and a knife to his throat. He also said that one of the officers told him that, "You'll die here or you'll die outside. If you'll die outside, I'll give you a gun, then you run for it". The officers tied a blanket into a wad and hit Aminudin over the head with it over 50 times, and also put his head in a plastic bag three times while an officer wearing gloves strangulated him. The medical report confirmed that his left arm and head were swollen and that he had sustained injuries to his arms, torso and back. He suffered from headaches and ringing in both ears and the drums in both of his ears were broken.

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## A ROGUE SYSTEM

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The extremely widespread use of torture and lack of effective government response in Thailand point to a rogue system of law enforcement; not, as often believed and projected, some rogues within the system. Perpetrators of torture and other gross abuses in Thailand are not themselves rogues. On the contrary, they are an inevitable outcome of a deliberately dysfunctional system that demands such services, a system that insists upon inadequate disciplinary controls and little if any witness protection, prevents the establishing of independent and reliable bodies to receive complaints and investigate and prosecute officers for wrongdoing, and ensures the incapacity and unwillingness of the courts and other state agencies to challenge the perpetrators of abuse.

None of this is anything new. The police force that exists in Thailand today is for all intents and purposes the same one that was built by Pol. Gen. Phao Sriyanond in the 1950s. Phao, a former army general who was one of three powerful figures in the military government that emerged after a coup in 1947, saw control of the police as his personal means to power and fortune. Under him the police force was increased in size and strength to become a de facto parallel army. It took on paramilitary functions through new special units, including the border police. It ran the drug trade, carried out abductions and killings with impunity, and was used as a political base for Phao and his associates.

Successive attempts to reform the police, particularly from the 1970s onwards, have all met with failure despite almost universal acknowledgment that something must be done. As politicians and their backers are dependent upon the police for their survival, they are chary to push for changes that they inevitably meet with serious resistance from within the force. And under the government of Thaksin Shinawatra, himself a former police colonel, police were elevated to new levels of authority in all parts of government. Although the subsequent military regime stripped them of these positions, the attempt of its caretaker prime minister to push through a new raft of structural and legal changes to the force was predictably unsuccessful.



Systemic change is nowhere easy. But the attitude that nothing can be done also is wrong. Although the police of 2008 are in many respects still the children and grandchildren of Pol. Gen. Phao, the society in which they are operating is not at all the same one as existed half a century ago. People in Thailand are today more aware and less tolerant of the sorts of excesses that have been committed by state agents pretending to act in their name for the last few generations. They are more determined to make themselves heard and insist upon their rights, contrary to the intentions of the military and bureaucratic elite. This groundswell for change was, more than any specific threats to traditional control posed by the Thaksin regime, the cause of the 2006 coup and subsequent reversals of political and legal freedoms under the army's watch.

Deep distrust of popular opinion and public action independent of state directives is what continues to restrain Thailand not only politically but also in terms of prospects for improved human rights and the rule of law. It is what makes the sort of police abuses reported in recent weeks not only likely but certain. It is also certain that if there is going to be lasting systemic change to policing in Thailand it can only be accompanied by dramatic change in other parts of social and political life. Unfortunately, with the effects of the 2006 coup still resonating throughout the country today it will be some years before spaces through which to effect such change again appear. In the meantime, the job of human rights defenders in Thailand and those working on the country from abroad will be to continue to document cases and work with victims of abuse against the negative spirit of the time.