



ASIAN HUMAN RIGHTS COMMISSION

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December 7, 2005

Ms Louise Arbour
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Open letter to the UN High Commissioner for Human Rights to mark International Human Rights Day 2005

Dear Ms Arbour,

RE: THAILAND MUST RATIFY THE CONVENTION AGAINST TORTURE

On this international Human Rights Day, December 10, 2005, the Asian Human Rights Commission (AHRC) calls upon you to make it a personal objective that Thailand ratifies the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2006.

Torture is widely practiced by the police and security forces in Thailand. Very brutal forms of torture are also used. During the last year, the AHRC has documented a number of instances of electrocution and burning of suspects' genitals in ordinary criminal cases.

Torture in Thailand is also closely linked to other serious human rights abuses. These include widespread extrajudicial killings and deaths in custody, enforced disappearances and severe custodial maltreatment. Some persons, including a senior forensic scientist, have also faced criminal libel suits under outdated defamation laws for alleging that the police use torture.

As you may know, the Government of Thailand has frequently said that it will join the Convention against Torture. The AHRC is aware from contact with staff in various ministries that they are familiar with the Convention and are prepared to put it into domestic law.

Accordingly, the Asian Human Rights Commission urges you to make it your personal objective to ensure that the Government of Thailand ratifies the Convention against Torture in 2006. Becoming a party to the convention would do much to enhance Thailand's international reputation and would be an important first step in openly addressing the practice of torture there.

Yours sincerely,

Basil Fernando
Executive Director



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FOR IMMEDIATE RELEASE

December 7, 2005

A report by the Asian Human Rights Commission (AHRC) marking International Human Rights Day 2005

THAILAND: Government of Thailand shows little serious effort to meet commitments under the ICCPR

In July 2005 Thailand went before the UN Human Rights Committee for the first time, to be assessed on its compliance with the International Covenant on Civil and Political Rights (ICCPR), to which the country became a party in 1997. In its concluding observations at the end of the month (CCPR/CO/84/THA), the Committee pointed to some key areas for the government to address in order for the national human rights situation to be improved. These included the prevailing culture of impunity enjoyed by the country's security forces, torture and custodial abuses, prison conditions, attacks on human rights defenders and the media, among others:

CULTURE OF IMPUNITY

"The Committee is concerned at the persistent allegations of serious human rights violations, including widespread instances of extra-judicial killings and ill-treatment by the police and members of armed forces, illustrated by incidents such as the Tak Bai incident in October 2004, the Krue Se Mosque incident on 28 April 2004 and the extraordinarily large number of killings during the 'War on Drugs' which began in February 2003. Human rights defenders, community leaders, demonstrators and other members of civil society continue to be targets of such actions, and any investigations have generally failed to lead to prosecutions and sentences commensurate with the gravity of the crimes committed, creating a 'culture of impunity'. The Committee further notes with concern that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3 of the Covenant (arts. 2, 6, 7). **The State party should conduct full and impartial investigations into these and such other events and should, depending on the findings of the investigations, institute proceedings against the perpetrators. The State party should also ensure that victims and their families, including the relatives of missing and disappeared persons, receive adequate redress. Furthermore, it should continue its efforts to train police agents, members of the military and prison officers to scrupulously respect applicable international standards. The State party should actively pursue the idea of instituting an independent civilian body to investigate complaints filed against law enforcement officials.**" [Paragraph 10]

The wanton killings of thousands of alleged drug dealers in 2003 still reverberate through Thailand. In March of that year, arranged killings were a daily event at many police stations: sufficiently well-organised that the victims were shot in the same place, at the same time and with the same little blue bag of 70 to 200 pills neatly inserted into the back pocket. Although that time was a nadir in the protection of human rights in Thailand, extrajudicial killings were a fact of life in the country before then, and have been a fact of life there since. The police still have very little fear of any consequences. Even in the most outrageous cases, they are safe to insist upon 'suicide':

junior personnel are backed by powerful senior officers. Expressions of patronage are more powerful than those of justice.

Sunthorn Wongdao, for instance, died of five bullet wounds after being surrounded by the police in May, who then said that he committed suicide. After the then deputy-director of the new semi-independent Central Institute of Forensic Science investigated the case, she said on television that it was impossible that Sunthorn could have killed himself. The police sued her. At the start of December she was arrested, fingerprinted and bailed, in accordance with Thailand's outdated criminal defamation code. Meanwhile, a police report insisting on suicide was submitted to the public prosecutor, who is limited in power to accept or reject the police findings. In the case of the latter, the prosecutor can do no more than to close the file or request further police inquiries. However, unless the Department of Special Investigation gets involved in the case, it will at most just continue to bounce back and forth between the prosecutor and the police, who most cases control all stages of investigation, arrest, and the laying of charges. At last report, Sunthorn's death was still on the desk of the prosecutor. For the forensic scientist who was sued, it bore an ugly resemblance to an earlier case in which she also faced litigation for alleging that police in the south of Thailand had tortured a suspect to death, including by burning a plastic bottle on his penis and jumping on his chest: the police autopsy had said the victim had died from asphyxia, a commonly recorded cause of death in Thailand. Although she won the case, the police were never investigated or prosecuted over the death.

The Department of Special Investigation under the Justice Ministry, established under the 1997 Constitution, is the only investigating and prosecuting agency in Thailand not under direct police control. Although staffed by police, it is answerable to the justice minister. As such, it exists as a de facto agency to investigate serious criminal acts by police officers, given that there is no specific unit established for this purpose. However, even in high-profile cases it has shown little evidence of success. In perhaps the best-known case of recent times that it has handled—the 12 March 2004 abduction and disappearance of human rights lawyer Somchai Neelaphaijit, allegedly by police officers—it has so far come up with nothing. The victim's wife has repeatedly expressed deep disillusionment with the department, and has gone so far as to say that she no longer expects justice, but would just like to know what really happened to her husband's body. It seems at present that even this may be too much to ask.

No better recent example exists of the impunity enjoyed by the security forces than the killings pointed to by the Human Rights Committee that occurred in the south of Thailand during April and October 2004. The deaths of over 200 young men—at least 78 while in custody—have never been investigated by any agency with the proper judicial authority. The ad-hoc inquiries established in both cases did what was expected of them, defusing political pressure for answers and exonerating those responsible. The generals fingered as primarily responsible in each case have continued their career paths, safe in the assurance of the army commander-in-chief that they will not—and cannot—be disciplined. The widows and mothers of the dead victims have been left to pursue civil claims for compensation, which are likely to drag on for many years. Meanwhile, it was reported that the provincial governor had offered cash payments to families who would drop legal suits against the authorities: another common feature of responses to gross abuses of human rights in Thailand.

Since that time, the situation in the south of Thailand has worsened dramatically. The killings, disappearances, torture and other gross abuses of human rights that are the daily fare of the people living there come as a direct consequence of the manner with which the situation has been mishandled by the government. The sheer lawlessness with which the security forces are operating in the south makes it extremely difficult for independent groups and monitors, even

those with some endorsement of the state, to conduct inquiries. That lawlessness is itself a part of law, as the emergency decree introduced by the prime minister in response to the situation during July guarantees impunity to state agents operating in accordance with orders issued under the decree. However, whereas the conflict there is understood as a regional crisis, it should be better understood as a problem with enormous ramifications for the entire country. For so long as the police, military and related agencies are able to operate without scrutiny in the south the same practices will remain rooted in the whole of Thailand. The fact that under the emergency regulations security forces in the south are permitted to detain suspects for up to 30 days without judicial scrutiny is itself a manifestation of the systemic practices allowing for extended detention of detainees with minimal oversight throughout the entire country. Similarly, the practice of forced disappearance, while believed to be more widespread in the south compared to elsewhere, is an issue of concern that needs to be addressed with reference to Thailand as a whole and not merely one part of it. In this respect, the Asian Human Rights Commission has repeatedly observed that the proposed missing-persons centre to be established under the Central Institute of Forensic Science must be a comprehensive agency with a national mandate coupled to a new law to criminalize enforced disappearances in accordance with international standards. Unfortunately, since it came up for discussion early in 2005, the missing-persons centre has itself gone missing, a victim of bureaucratic infighting and administrative politicking.

The Asian Human Rights Commission has also consistently pointed to the lack of effective remedies for victims of grave human rights violations in Thailand as envisaged in article 2 of the ICCPR, and the need for an independent channel to receive complaints, investigate and prosecute law-enforcement officials for serious abuses. However, such an institution will only become a reality when accompanied by other key elements. Among those, of primary importance is the establishment of a nationwide comprehensive witness protection scheme. While the Witness Protection Office recently set up under the Justice Ministry is an important and laudable first step, it is at present extremely limited in its functions and abilities. This office, among others, deserves very much to be strengthened if the government of Thailand is serious about its commitments to the ICCPR.

TORTURE & CUSTODIAL ABUSE

"The Committee is concerned about the persistent allegations of excessive use of force by law enforcement officials, as well as ill-treatment at the time of arrest and during police custody. The Committee is also concerned about reports on the widespread use of torture and cruel, inhuman or degrading treatment of detainees by law enforcement officials, including in the so-called 'safe houses'. It is also concerned at the impunity flowing from the fact that only a few of the investigations into cases of ill-treatment have resulted in prosecution, and if any, in conviction, and that adequate compensation to victims has not been provided (arts. 2, 7, 9). **The State party should guarantee in practice unimpeded access to legal counsel and doctors immediately after arrest and during detention. The arrested person should have an opportunity immediately to inform the family about the arrest and the place of detention. Provision should be made for a medical examination at the beginning and end of the detention period. Provision should also be made for prompt and effective remedies to allow detainees to challenge the legality of their detention. Anyone arrested or detained on a criminal charge must be brought promptly before a judge. The State party should ensure that all alleged cases of torture, ill-treatment, disproportionate use of force by police and death in custody are fully and promptly investigated, that those found responsible are brought to justice, and that compensation is provided to the victims or their families.**" [Paragraph 15]

Although torture victims in Thailand may survive to tell their stories, the obstacles to their obtaining justice are not just formidable: at present they are literally insurmountable. Thailand has not ratified the U.N. Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment, and nor it has introduced a domestic law on torture. This is despite repeated statements to the effect that it would do so, and as well as despite torture being prohibited both under the ICCPR and Thailand's own 1997 Constitution. However, in Thailand there is no legal avenue that enables victims of abuse to appeal to the courts on the grounds of a constitutional violation. Therefore, the prohibition of torture under the constitution remains unenforceable in the absence of an enabling law.

The lack of a law criminalising torture encourages Thai police to persist with extremely primitive policing methods. Investigations are directed almost exclusively towards extracting confessions from suspects. Forensic science and other modern techniques of investigation are treated with skepticism, or are otherwise unknown to the investigating officers. Police forensic scientists in Thailand are not crime scene investigators: they stay in the labs while investigations are done by officers with little or no knowledge of how to preserve and collect vital evidence, and who may under any circumstances be interested to destroy such evidence. Many questions persist over the role of the police forensic science units in assisting them to cover up, rather than reveal, suspicious deaths. Relatives of dead persons bring the remains to the Central Institute of Forensic Science for a second opinion after police forensic professionals attribute the deaths to accident or suicide. Recently the director of the institute described one case in which a police autopsy concluded that a lawyer had died due to a fall from a bicycle; her institute found that the man had been beaten to death. In a bleak reminder of the 2003 custodial death of an alleged drug trafficker who was said to have committed suicide by drowning himself in a bucket of water, this October police in Lamphun claimed that three men arrested on drugs charges all committed suicide in the same way and at the same time: by hanging themselves with shoelaces from the roof of their cell within less than 24 hours of arrest. Police forensic scientists concurred with this assessment, despite many questions hanging over the circumstances of death. The case looked to be headed for the shelf, along with so many others, until another inmate died in the same way and in the same police station during November and promises were made of reinvestigation.

Not only is there little if any prospect of a torture victim securing a criminal charge against a perpetrator in Thailand, but there is also little expectation that any justice or compensation can be obtained through a civil suit. One of the most blatant cases of torture to obtain public attention during 2004 was the subhuman genital electrocution of Ekkawat Srimanta by police in Ayutthaya. Ekkawat's injuries were documented for the world to see, and he went on to speak about his ordeal at public forums. Yet, despite claims by the government that the perpetrators were punished for their crimes, there is no evidence that anything was done other than to temporarily suspend and transfer a handful of officers. This November 2005 Ekkawat dropped his civil claim against the perpetrators, after apparently reaching the same point that Urai Srineh had come to much earlier. Urai was also subjected to horrendous genital torture, allegedly at the Chonburi Provincial Police Station, in June this year. After his ordeal, he was visited in hospital by the police. He took what they offered him, and moved to another province. With the prospects of being able to lay criminal charges next to none, the prospects of obtaining compensation slim and a long way off, and the prospects of getting adequate and immediate protection also dim and little known, the average victim of torture in Thailand has few choices. Inevitably, the withdrawal of cases under coercion and offers of money is a common occurrence. Similarly, few lawyers are prepared to take on such cases, averse to the risks taken by those who do, such as Somchai Neelaphaijit. The lawyers appointed to represent clients who have allegedly been tortured are known to collude with the police and deny having seen or heard any evidence of abuse.

There is a culture of deliberate and consistent falsification of police records in Thailand. When there is no such thing as a reliable record, the possibilities of identifying perpetrators of alleged crimes, including torture, become far lower. In the case of Anek Yingnuek and friends, who also alleged that they were brutally tortured by the police in Ayutthaya during September 2004, it was revealed in court during July 2005 that the officer named on official documents as the investigator did not do the investigation. Another officer who was not named on the documents, the alleged ringleader of the torture, did the investigation. Also common is the inclusion of names in investigations where the officers have played no actual role. In the hearings against five police in connection with the abduction of human rights lawyer Somchai Neelaphaijit, police denied in open court that they were involved in investigations where the suspects have alleged that they were tortured, although their names have been on the lists of investigators. One pointed out that in a high-profile case virtually his entire division was listed as having been involved, although the true number of investigators was small.

Under normal circumstances, once the police in Thailand have someone in their custody, they are able to hold them without charge through successive extensions for up to 84 days. This system of extended detention permits the police to hold victims of torture until evidence is lost. The initial period of detention before going to the court is 48 hours; however, the taking of detainees for extension of detention periods is routine and judges not sensitised to make inquiries into the treatment of detainees. Nor is there any special procedure for raising questions about possible abuse committed by the police. When a person goes into prison too the routine examination then is unlikely to uncover any evidence of torture. At a recent court hearing observed by staff of the Asian Human Rights Commission, a prison nurse testified before the court that the main purposes of the prison medical inspection are to identify if the detainee is carrying anything illegal in his or her body, and to check for any fresh injuries. He would not record evidence of older injuries, he said, adding that he takes around three minutes for an examination. Hence the correct emphasis by the U.N. Human Rights Committee on detainees having access to doctors at the earliest possible point, with the express purpose of checking for signs of abuse.

PRISON CONDITIONS

"The Committee is concerned at the overcrowding and conditions of places of detention, particularly with regard to sanitation and access to health care and adequate food. The Committee is also concerned that the right of detainees of access to lawyers and members of the family is not always observed in practice. The Committee considers the duration of detention before a person is brought before a judge to be incompatible with the requirements of the Covenant. The Committee deplores the continued shackling of death row prisoners and reports of prolonged solitary confinement. Pre-trial detainees frequently are not segregated from convicted prisoners. Furthermore, the Committee is concerned at the significant number of women in the prison population and the fact that juveniles are often held in adult cells (arts. 7, 10 and 24). **The State party should bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners as a matter of priority. The State party should guarantee the right of detainees to be treated humanely and with respect for their dignity, particularly with regard to hygienic conditions, access to health care and adequate food. Detention should be viewed only as a last resort, and provision should be made for alternative measures. The use of shackling and long period of solitary confinement should be stopped immediately. Special protection should be provided for juveniles, including their compulsory segregation from adults.**" [Paragraph 16]

Although the Asian Human Rights Commission has no illusions about the conditions inside Thai prisons, it was recently alarmed to hear of a case where a young man in an ordinary criminal case who had dared to complain of police abuse, since convicted, has been kept in shackles and solitary confinement, in blatant violation of the country's international obligations under the ICCPR. The wardens are reported to have said that the shackling and confinement was routine, despite the fact that others convicted along with the man who had not complained were not treated similarly. For reasons of the inmate's personal safety it has not been possible to publicise the case: to die in a prison in Thailand is exceedingly easy. Adisorn Satakurama, for instance, died in prison in August 2004 just two days after his house was shot up by an anti-narcotics task force. His parents miraculously survived by hiding behind a refrigerator, which was riddled with bullet holes. The prison autopsy concluded that he died from asphyxia, but a police forensic report unusually concluded that the death was due to poisoning. In August 2005 the news reached the family, which immediately demanded that the case be reopened. The head of the police forensic medicine institute insisted that the conclusion was due to a typing error until it was also revealed that a doctor had testified in court to the same effect that the victim was poisoned. The doctor was forced to retract his conclusion and a further autopsy found no evidence of poison, although by this time over a year had passed and the family went away unconvinced.

CRIMINAL DEFAMATION

"The Committee is concerned about reports of intimidation and harassment against local and foreign journalists and media personnel as well as of defamation suits against them, originating at the highest political level. It is also concerned at the impact of the Emergency Decree on Government Administration in States of Emergency, B.E. 2548, which impose serious restrictions on media freedom (art. 19, para. 3). **The State party should take adequate measures to prevent further erosion of freedom of expression, in particular, threats to and harassment of media personnel and journalists, and ensure that such cases are investigated promptly and suitable action is taken against those responsible, regardless of rank or status.**" [Paragraph 18]

The Asian Human Rights Commission has throughout 2005 expressed concern at the rise and rise in the use of criminal defamation by powerful persons in Thailand to silence and intimidate critics. In particular, it has closely followed the case of Supinya Klangnarong, who is being sued by the family company of the prime minister. It is also concerned by the case of Ticha Na-Nakorn, who in November was forced to post bail in a criminal defamation case lodged by the former police chief over an allegation of sexual harassment.

There are many problems associated with criminal libel and the concomitant deeply negative effects that they have on a society in which some persons are struggling to have their voices heard on issues of public concern. Many of these have been articulated by concerned individuals and groups inside and outside Thailand, and there is evidence of growing opposition to government efforts to silence dissent through libel. Among the onerous and patently outmoded features of criminal defamation in Thailand are that complainants can lodge multiple suits in various jurisdictions on a single case, that defendants are fingerprinted and detained if they cannot put up bail, and that the courts make prima facie inquiries into complaints filed by the public prosecutor, without hearing from the defendant until and unless the case goes to full trial. These provisions, among others, are completely at odds with a modern system of criminal justice and deserve to be struck off the books without delay. Without regards to other factors, Thailand should follow the example set by Sri Lanka and immediately erase its law on criminal defamation.

Closely related to the growth in spurious criminal libel suits by powerful persons in Thailand has been a consistent campaign against community radio stations, which culminated in August in repeated raids, legal action and intimidation of an outspoken station and its staff in Bangkok. Although community radio has been accorded a place in Thailand under the 1997 Constitution, the government has manipulated the process for the creation of a regulating body and successfully undermined the constitution's objectives. Simultaneously, local authorities have used various pretexts to target radio stations that have raised critical questions. In November 55-year-old farmer Sathien Janthorn was taken to court on charges of illegal broadcasting, despite the fact that he had been trained and funded in the establishment of the station by a government agency, and had hosted local officials on his programmes. Sathien has insisted that he has been targeted because he had raised questions about misuse of provincial government resources. This is a familiar refrain among embattled broadcasters and one that speaks to the real reasons that the authorities are increasingly hostile to community radio.

ATTACKS ON HUMAN RIGHTS DEFENDERS

"While welcoming the aspiration of the State party to accept and foster a vibrant civil society, including many human rights organisations, the Committee is nevertheless concerned at the number of incidents against human rights defenders and community leaders, including intimidation and verbal and physical attacks, enforced disappearances and extra-judicial killings (arts. 19, 21 and 22). **The State party must take measures to immediately halt and protect against the harassment and attacks against human rights defenders and community leaders. The State party must systematically investigate all reported instances of intimidation, harassment and attacks and guarantee effective remedies to victims and their families.**" [Paragraph 19]

By taking a stand on the principle of free expression, Sathien Janthorn has established himself as a human rights defender, and he now risks the consequences of a jail term and fine. Many others have risked more: human rights defenders, environmentalists and social reformers in Thailand continue to face death threats for their work. These are not idle threats. Lawyer Somchai Neelaphaijit was warned repeatedly that he was in danger prior to his abduction. A year after environmentalist Charoen Wat-aksorn was gunned down in 2004, Buddhist monk Phra Supoj Suwajano was murdered in June apparently due to a conflict over forest land with influential figures in Chiang Mai. Shortly after, the house of a key witness—who had complained of police harassment—was burned to the ground. All these cases have been taken up by the Department of Special Investigation, and yet in none has it shown any evidence of its work: Somchai's final whereabouts are a mystery; Charoen's killer has denied links with the alleged mastermind; and the investigation in Phra Supoj's case has turned up nothing, with the local police reportedly having succeeded in destroying any evidence and intimidating any witnesses who may have led to the killers.

In August the Asian Human Rights Commission issued an appeal after a grenade attack on the car of Wiwat Thamee, who is challenging corrupt local authorities in the north of Thailand. Wiwat is one of the few human rights defenders in the country who believed that it is better to speak out and risk a confrontation with the perpetrators rather than remain silent in the face of intimidation. Most human rights defenders in Thailand behave differently, keeping quiet about the daily intimidation that they experience and taking precautions for their personal safety. Hence the number of reported threats and attacks on rights defenders and social activists in Thailand remains far lower than the number that has really occurred.

This silence must be broken. Attacks and threats against human rights defenders must be accompanied by outrage. All cases must be treated seriously and responded to with vigour. The concerned authorities must be forced to take responsibility and react. The Asian Human Rights Commission calls on all human rights defenders, social and community leaders and others facing threats in Thailand who are able to document and make public what they face, rather than persist in seeking quiet ways out that may today or tomorrow have some effect but in the longer term only serve to reinforce the culture of impunity that they are ostensibly combating.

DENIAL OF RIGHTS TO MIGRANT WORKERS

"The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of movement, access to social services and education, and access to personal documents. The deplorable conditions in which migrants are obliged to live and work indicate serious violations of articles 8 and 26 of the Covenant. The Committee notes that ethnic minorities and migrants from Myanmar are particularly vulnerable to exploitation by employers as well as to deportation by the Thai authorities. The Committee is also concerned that a significant number of mainly Burmese migrant workers remain missing in the aftermath of the Tsunami in December 2004 and that others were not provided with the necessary humanitarian assistance due to their lack of legal status. (arts. 2, 8 and 26). **The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full and effective access to social services, educational facilities and personal documents, in accordance with the principle of nondiscrimination. The State party should consider establishing a governmental mechanism to which migrant workers can report violations of their rights by their employers, including illegal withholding of their personal documents. The Committee also recommends that humanitarian assistance is effectively provided to all victims of the Tsunami disaster without discrimination, regardless of their legal status.**" [Paragraph 23]

While the ordinary person in Thailand daily may encounter problems associated with the country's flawed policing and judicial systems, for the millions of migrant workers there these difficulties are compounded by a range of other obstacles. Up until recently, it was unheard of for Thai citizens, and certainly persons of authority, to be held criminally liable for the murder, rape or other physical abuse of migrant workers. The Asian Human Rights Commission has reported on how it has taken years for the case against an airforce officer and his wife accused of brutally killing an 18-year old Burmese woman in 2003 to be brought into the courts: hearings are due to commence in January 2006. In the meantime, a group of men in Tak, including a village headman, were in September found guilty of murdering six Burmese migrants: the first conviction of its kind. Notwithstanding, abuses against migrant workers by government agents in Thailand continue to be rife, and are rarely reported or officially documented. In October, for instance, a police officer in Tak attempted to rape a migrant worker there, leaving behind ample forensic evidence to prove that he forcibly entered her house and assaulted another woman. However, the victims of the assault fled back to Burma rather than attempt to lodge a complaint, speaking to their overwhelming fear of the Thai authorities, and particularly the apparently unassailable power of the police.

WHAT CAN BE DONE?

In a short time during 2005 spent examining the record of Thailand, the U.N. Human Rights Committee reached these conclusions, among many others. The question arises, what can be done

about them? The wrong answer would be to ignore them and hope they will go away. They won't, because the problems that they describe won't. The right answer is to begin with the committee's key recommendations, and come back to them again and again, as long as necessary, until there is progress: investigate abuses, especially incidents of torture, cruel treatment, extrajudicial killing and enforced disappearance; begin proceedings against perpetrators; ensure that victims and their families receive adequate redress; set up an independent body to investigate complaints filed against police; guarantee detainees free access to lawyers, doctors and family; allow for prompt challenges to illegal detention in the courts; stop the attacks on human rights defenders and introduce laws to that the fundamental rights of all people in Thailand are protected, regardless of background.

Some of these steps would require relatively little effort from the government of Thailand. Others may require more, but are deserving of the effort. The ultimate question that arises, though, is whether or not the government of Thailand is sincere in its adherence to the principles laid down in the International Covenant on Civil and Political Rights, to which it has voluntarily subscribed: a set of principles which determine that society should be governed by the rule of law and not rule of lords. This is of course a question not only for the government of Thailand, but for the entire people of Thailand. It deserves serious thought, and a serious answer.

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About AHRC The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984