

Human Rights Watch

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Military Targets Outspoken Activist and Media for Defamation

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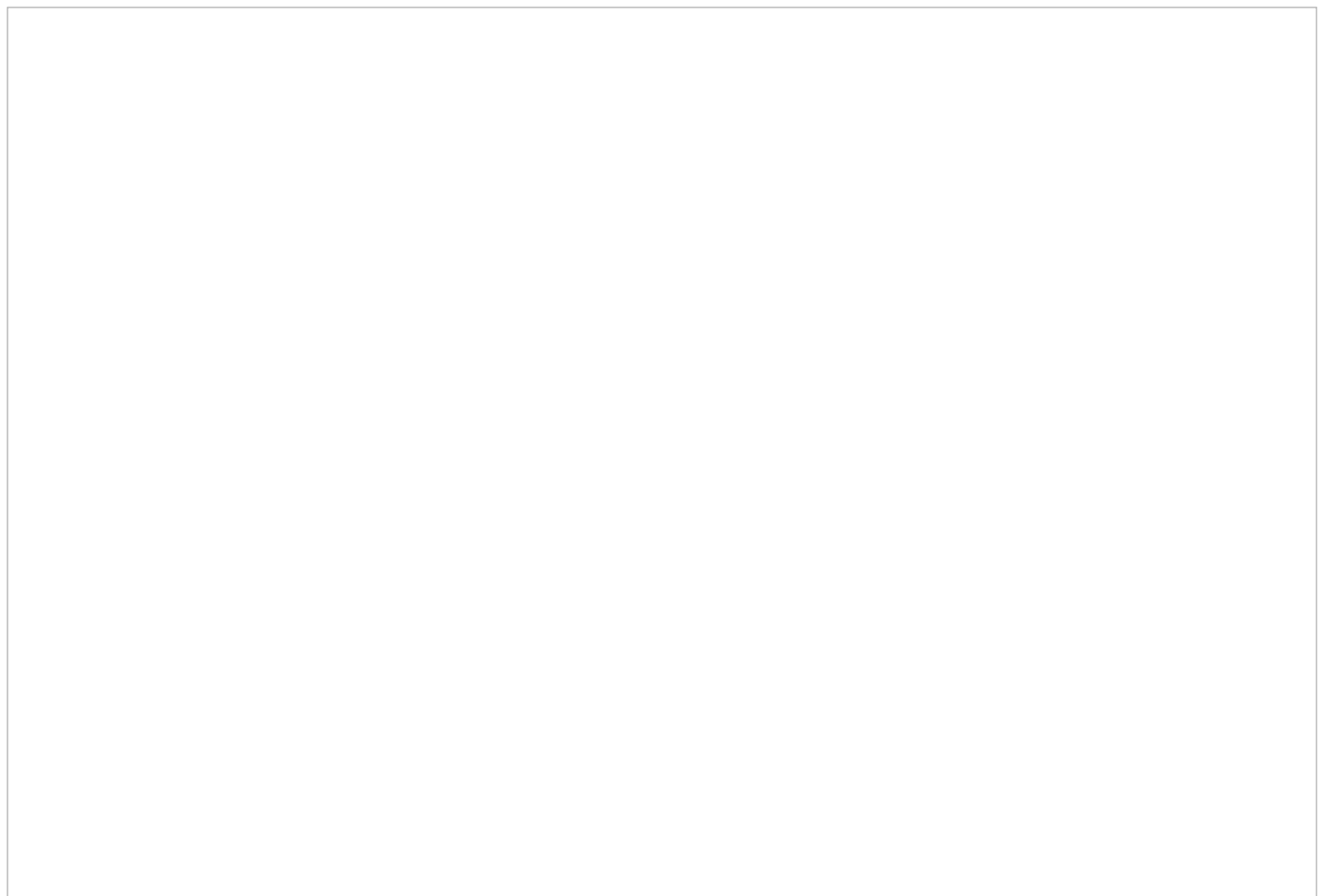
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Ismae Teh, a prominent human rights activist, faces defamation charges for speaking out publicly about being tortured by the Thai military. 2018 Private

(New York) The [Thai](#) military should immediately withdraw criminal and civil defamation cases against a human rights activist who spoke out publicly about his torture by security forces in Thailand's southern border provinces, Human Rights Watch said today. The military has also brought defamation cases against prominent online media that reported the case.

The Thai military is retaliating against a torture victim and the media that reported serious rights violations instead of holding its personnel to account, said [Brad Adams](#), Asia director. Thailand's military junta, which controls the armed forces, should order the

defamation cases dropped and launch a serious impartial investigation into these ill-advised reprisals.

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Brad Adams

Asia Director

On February 14, 2018, the Internal Security Operations Command (ISOC) Region 4, in charge of the governments security operations in the southern border provinces, filed criminal and civil complaints with the Muang Pattani police accusing Ismae, the founder of the Patani Human Right Organization (HAP), of defamation. These complaints followed allegations Ismae made on the Thai PBS TV program Policy By People on February 5 that he was tortured in military custody in 2008. On February 9, ISOC Region 4 filed another civil defamation complaint seeking 10 million baht (US\$286,000) in damages from MGR Online news for its online reports about Ismaes case.

The Thai military arrested Ismae and held him incommunicado in military detention in 2008 at the Ingkayuthboriharn Camp in Pattani province. Ismae said military interrogators electrocuted, punched, kicked, and beat him with a stick until he passed out. They also poured water on him to make him suffocate. Ismae said the torture was used to force him to confess that he was involved in a separatist insurgency. In October 2016, the Administrative Court ordered the army to pay Ismae compensation of 305,000 baht (\$8,700) for emotional distress and physical injuries suffered. No security personnel have been prosecuted for Ismaes torture and mistreatment.

A victims right to file complaints about torture and other ill-treatment and to have the complaint promptly and impartially investigated is guaranteed under international treaties to which Thailand is party, including the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) and the [International Covenant on Civil and Political Rights](#). In addition, the United Nations Declaration on Human Rights Defenders affirms the prohibition against retaliation, threats, and harassment of anyone who takes peaceful action against human rights violations, both within and beyond the exercise of their professional duties.

In June 2014, the UN Committee Against Torture (CAT) [recommended](#) that Thailand should take all the necessary measures to: (a) put an immediate halt to harassment and attacks against human rights defenders, journalists, and community leaders; and (b) systematically investigate all reported instances of intimidation, harassment and attacks with a view to prosecuting and punishing perpetrators, and guarantee effective remedies to victims and their families.

The Thai government has yet to prosecute successfully any security personnel for abuses against ethnic Malay Muslims alleged to be involved in the southern insurgency, which has claimed more than 6,000 lives since 2004. Moreover, the Thai penal code still does not recognize torture as a criminal offense.

Besides denying allegations of torture and other serious abuses committed by security personnel, the Thai military has frequently accused those bringing [complaints](#) of making false statements with the intent of damaging its reputation.

Attempts by the military to use defamation complaints against torture victims are contrary to Prime Minister Gen. Prayuth Chan-ochas so-called [national human rights agenda](#) and his numerous [promises](#) to criminalize torture.

Thai military prosecutions of a rights activist and the media for bringing the rampant problem of torture to light only undermines government claims that its actions in the deep south are in accordance with the law, Adams said. Its efforts against brutal separatist insurgents are not helped by covering up torture and other heinous crimes.

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