

**Written statement on Human Rights Situation in Thailand based  
on List of issues : Thailand.13/04/2005 CCPR/C/84/L/THA.**

by

Thai Civic Action Network (Thai-CAN)

Submitted as the second part of workshop on “Strengthening the implementation of human  
rights treaty recommendations through the enhancement

of national protection measure” at the 84<sup>th</sup> session  
of the United Nations Human Rights Committee

In the session its consideration of the State party report of Thailand  
18 to 20 July 2005 at the Palais Wilson, Geneva

## **Background : Thai-CAN and its mandates**

The Thai Civic Action Network (Thai-CAN) is a group of 10 representatives from the Office of National Human Rights Commission, non-governmental organisations and media organisations. The group was funded by the European Union to attend a training workshop on “Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection measures” organised by the Office of the United Nations High Commissioner for Human Rights (OHCHR) from 9 to 13 May 2005 .

As the second part of the training project, the group is invited to attend the 84<sup>th</sup> Session of the United Nation Human Rights Committee and its consideration of the State party report of Thailand from 19-20 July 2005.

Thai-CAN submitted a written statement to the committee as part of its concern on human rights situation in Thailand. The statement also constitutes a practical training exercise.

This statement was launched for an initial local workshop from participation of all stakeholders. Most of informations and fact findings were contributed through this diverse cooperation. We set up several focus groups to disseminate , cross-check and precise our primary datas. Then rearranging and launching them toward our networks for consultation. We also campaigned for ICCPR and treaty bodies awareness raising through some different approaches as printed media, giving a lecture,group discussion,etc.

We just start our mandates and learning process! We wish to encourage some human rights culture in our country. Only one conclusion from this 2 months initial working group which repeated day to day is “LET DO and SHARE IT TOGETHER”. We all are in a same boat!

**Q&A : Thai-CAN's response a Thailand of Human Rights Situation based on the List of issues : Thailand.13/04/2005 CCPR/C/84/L/THA.**

**Response from Thai-CAN**

Only a few cases directly invoked the provisions of the Covenant before the Thai courts. The Thai courts have not accepted the ICCPR as relevant to interpretation of domestic laws.

In 1999 Cambodian government requested the extradition of Mr Suk Yuen, member of the opposition (Sam Rainsy Party, the Ministry of Foreign Affairs. agreed to the request.

Prior to the extradition request, the UNHCR recognised Suk Yuen as a refugee and he was about to resettle in a third country. He was then arrested by Thai police, and charged with illegal entr., and sentenced to six months imprisonment.

During the extradition proceeding, Suk Yuen's lawyer cited several international covenants including ICCPR Article 14.

The Court of first instance judged that even when a person has obtained refugee status subjected to protect under principle of non-refoulement. The fact that Thailand has not ratified the 1952 Convention on the Status of Refugees so there is no legal protection as claimed by the lawyer. The appeal court confirmed this judgement. Both courts ignored the international convention.

**Response from Thai-CAN**

Thai government has reserved ratification of the first and the second Optional Protocols since the time of ratification of the ICCPR. There is no evidence that any Thai government has ever considered ratifies of the first Optional Protocol. However ratification would prevent or redress many human rights violations resulting from the state policies such as martial law, war on drugs, forced disappearance. Thus the international mechanism is necessary in order to deliver the justice for affected people.

**Recommendation:**

Ratification of the first Optional Protocol is urgently needed.

**Response from Thai-CAN**

The National Human Rights Commission of Thailand, an independent agency, was established under the 1997 Constitution as a mechanism to protect human rights.<sup>11</sup> 11 full-time Commissioners with extensive human rights experience, gender balance and diverse backgrounds were elected by the Senate.

The Commission was established in July, 2001 with the mandate to examine and report on violation of human rights in contravention of the Constitution, or domestic laws and international treaties to which Thailand is a party.

For the past four years, the Commission has received 2,148 petitions from individuals, groups and organizations. As 1,309 petitions were completely considered and reported to the relevant government agencies, 630 petitions are still in process and further information is being gathered in 209 petitions.

Many cases, such as the Thai-Malaysian Gas pipeline and the ‘War on Drugs’, recommendations made to the government have received no responses.

**a) Has a state of emergency been declared by Thailand and have the provisions of article 4 been complied with?**

The Martial Law Act 1914 was intended for use during war or civil unrest, or to protect national security. The Article 8 says “when necessary to protect the country from external or internal threat, martial law can be imposed in whole or in part. When imposed in any area, martial law takes precedent over other laws which in conflict with the martial law.

However, the geographical extent of martial law must be strictly defined.

The day after the looting of weapons from a military camp in Narathiwat province on January 4, 2004, the Thai government imposed martial law in the southernmost provinces. This incident may not be considered as an emergency situation affecting national security.

As a member of the United Nations and a signatory to the ICCPR, Thailand is obliged to observe ICCPR Article 4. The State Party may take measures derogating from their obligations to the extent strictly required by the exigencies of situation. However, the State Party cannot derogate from the obligations in Article 4 (2) nor can derogation justify discrimination. A State Party which avails itself of the right of derogation shall immediately inform the other States Party to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made on the date on which it terminates such derogation.

Thailand declared a State of Emergency and derogated from its obligations of the Covenant. However the State did not respect the inherent right to life and exercise racial and religious discrimination after declaring the State of Emergencies. Moreover after imposing martial law, Thai government failed to inform other States Party to the present Covenant through the Secretary-General of the United Nations.

**b) In the light of the reports about the escalating violence and tensions in the Southern provinces, and the special powers given to the military personnel by way of the Martial Law (para. 471) and section 6 of the Military Law (para. 472), please explain how the State party intends to guarantee respect for the non-derogable rights mentioned in article 4 when a state of emergency is declared. In this connection, please provide information on the extent of the application of Martial Law in the State party (paras. 236(a); 471-3; 490(d)(ii)), including the extension of its application as declared by the Prime Minister in June 2004. Please specify which articles of Martial Law are extended to which particular geographical areas of the State party and under what circumstances.**

After the imposition of martial law, the rights and freedoms of citizens were immediately restricted. The martial law gives powers to the military that exceed those of ordinary law and it violate Article 9 of ICCPR.

State violations in the three provinces of Southern Thailand, include involuntary disappearance according to a media interview where Deputy PM General Chavalit Youngchaiyudh whose admitted that officials had killed more than 100 people. Further information regarding these alleged killing was not disclosed, no officers have been investigated or brought to justice and no compensation has been given to the victims' families. The same is true for the killing at Kru Se Mosque in Pattani province of 23 people, and the killing of 19 people in Sabayoi district, Songkla province and the incident at Tak Bai district which 7 people died

through use of force to control a demonstration 78 people subsequently died in government custody.

**c) With regard to the incidents in the southern province, please indicate the number of deaths that have occurred and the number of persons whose rights under articles 7 and 10 have been affected, including any consequent action taken by the authorities in this regard.**

Research report show of violation in three Southern provinces of Thailand during martial law in 2004 is as high as 1,253 cases. This compares with the 722 cases over the previous 10 years (1983-2003) which occurred. Few cases received compensation, and only from the people's demand, not the State's initiative.

### **Response from Thai-CAN**

In response to the events of 9/11, Thailand supported UN anti-terrorism efforts by acceding to/ratifying 5 instruments that address terrorism: 1) Convention for the Suppression of Unlawful Seizure of Aircraft, the Hague, 16 December 1970 2) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 December 1971 3) Supplementary Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation at Montreal, 24 February 1988 4) Convention on Offences and Certain Other Acts Committed on board Aircraft, Tokyo, 14 March 1972 5) International Convention for the Suppression of Financing of Terrorism, New York, 9 December 1899

In domestic law, the cabinet has prescribed Royal Decree B.E.2546 for amendment of the Penal Code, effective on 9 August 2003. The government claimed that at present the threat of terrorism existed with the objective of taking innocent lives or damaging properties in order to create chaos and fear among the people, to create disorder within the country or to threaten the Thai state, the government of other states or international agencies with a view to forcing agreement to the demands of the terrorists. Such actions have taken place in neighboring countries and may occur within the country which will seriously weaken national security. Moreover, these actions are considered to be international offences according to Security Council Resolution no.1373 of 28 September 2001 which requests all countries to prevent and suppress any act of terrorism as well as any financial support or other means of supporting terrorism or members of terrorist groups, in order to resolve the problem of terrorism.

However, this Royal Decree is neither necessary nor responds to the UN Resolution.

1. Article 135/1 (1)-(3) of the Royal Decree defines terrorism in the same way as the Penal Code. However, the Penal Code classifies terrorism acts according to the seriousness and the outcome of the offence, with penalties ranging from minor penalties up to the death penalty. But the Royal Decree includes only three types of penalty: three to twenty years imprisonment; life imprisonment; and the death penalty.

2. Article 135/1 (1)-(3) addresses acts previously not considered as terrorist acts, i.e., assembling or other activities for seeking justice from the state. In practice, the state may apply this law in such a way as to deny the freedom of assembly in cases such as the protests against the gas pipeline project in Jana district, Songkhla province, or protests against the Baan Krud and Bor Nok power plants.

3. Article 135/4 states “whoever is a member of a group that the UN Security Council Has declared as terrorist and the Thai government has ratified that resolution or declaration...” This content is similar to what is already stated in the Penal Code on offences relating to public order in reference to “whoever attends a meeting of a secret society or criminal association”.

It can be concluded that the Royal Decree B.E.2546 for amendment of the Penal code is not necessary in that it duplicates the Penal Code which covers a greater variety of offences in a more just manner. It is recommended that in order to support the Security Council resolution Thailand should amend the Anti -Money Laundering Act to include anti-terrorism provisions.

### **Response from Thai-CAN**

7.1 Thai Penal Code Section 276 exempted from punishment a husband who has sexual intercourse with his wife but against her will. And the offences relating to sexuality shall be punished with imprisonment of 4-20 years and fined of 8,000 -40,000 baht.

7.2) The Penal Code includes provisions addressing the remarriage of widows and divorced women. In general, such women may remarry only after the expiration of 310 days since the termination of their previous marriage. Exceptions to the general rules are the following: a child is born during this period; a divorced couple remarry; a lawful and qualified medical practitioner issues a certificate showing that the woman is not pregnant; a court issues an order allowing the woman to marry.

Although the code does not prohibit marriage between persons of the same sex, it provides validation for marriage between a man and a woman only.

7.3) Under the 1934 Civil and Commercial Code Book V on the Family, Section 5 Article 1516 (1), divorce may be effected only by mutual consent of the parties or court order. The grounds for divorce are discriminatory; the husband may claim divorce by showing only that wife has committed adultery whoever, the wife must prove that her husband has given maintenance to or honored another woman as his wife.

7.4) A number of laws discriminate on the basis of gender, for example;  
- A Royal Decree that requires married women to use the honorific ‘nang’, which is

different from that of unmarried woman ('nang sao'), whereas married and unmarried men use a common honorific ('nai'), this has allowed men to register multiple marriages.

- the Buddhist Act states that women can not be ordained as female monks (Bhikkuni);

### **Recommendations:**

Laws that discriminations on the basic of gender must be amended.

### **Response from Thai-CAN**

8.1) According to a survey conducted by Institute for Population and Social Research, Mahidol University in 2000, 23 % of women in the capital and 34 % in other provinces reported physical violence by their intimate partner at least one in their lives.

8.3) In addition, 4 % of women who had ever been pregnant reported experiencing physical violence during pregnancy.

8.3) Research also shows that the majority of Thai women prefer not to press charges against abusive partners, but want instead to preserve the relationship while ending the violence.

8.4) The constitution guarantees the right of "children, youth and family members" to state protection against violence and unfair treatment. But there is no specific national law on domestic or gender-based violence provides protection to victims of violence through a protection order or a restraining order.

8.5) According to police procedures, when informed of a criminal offense, the police have a duty to undertake an immediate investigation or interrogation, regardless of whether there is a complainant. However, according to specific regulations governing police protocol in cases of domestic disputes, in cases where a husband or wife accuses the other party of inflicting physical harm on him or her, the officer in charge should attempt reconciliation between the parties under certain circumstances. These are: when a weapon was not used; when the injuries are not serious; when the act was not done on a main road; and when the act was not done with an evil purpose, "but, for instance, simply done as a means of admonishment. If reconciliation fails, the office in charge must submit the results of the investigation for further consideration by the local police superintendent and the issuance of orders for further action, "as the government has the duty to maintain peace and order, and family security as a matter of importance". This protocol of attempting reconciliation limits the legal protection for spouses, the vast majority of which are women.

8.6) Perpetrators of domestic violence are subject to jail terms, but not to rehabilitation, programmes.



Recommendation:

- the government shall promote and encourage public debate on domestic and gender-based violence with a view to introducing appropriate legislation. the police protocol on cases of domestic dispute shall be revoked.

### **Response from Thai-CAN**

There are death penalty offences. 323 prisoners were executed from 1935 –2004. (No executions took place from 1988-1995.)

1.Molestation or injury of the King and members of the Royal family	40
2.Internal and external rebellions and treason	26
3.Sabotage	1
4.Communism (Article 17)	1
5. Murder	129
6. Arson/murder	5
7. Robbery/murder	87
8. Murder of civil servants/officers	7
9. Rape/ murder	35
10. Drug traffickings	28

Thai government implemented a drug suppression policy since 2003 in response to a huge increase in the use of amphetamines. There are many drug convicted and suspected sent to jails. The government considers drug trafficker as serious crimes especially those who traffic amphetamines more than 100,000 pills. There is an argument from the offenders and innocent people that they should receive life sentence and should be given a chance to rehabilitation while human rights activists and Amnesty International pointed out for violation of rights to life.

### **Response from Thai-CAN:**

About 2,598 suspected drug dealers and users were killed during the first phase of the government's war on drugs, from February to April 2003. The police investigated only 752. Of these, arrest warrants have been issued in just 117 cases, with interrogation suspects continuing in 90 others. The remaining 1,639 cases have been dropped due to a lack of witnesses and evidence.

Many of these killed were shot dead in broad daylight sometimes in front of provincial

offices, while others were shot dead in remote locations but their bodies were dumped on public roads.

In many incidents, lawyers alleged that the authorities fabricated evidence and to conceal extra-judicial killings since methamphetamine pills were often found scattered at the scene.

Many victims and relatives of victims claimed innocence and mistreatment by the authorities.

### **Recommendation:**

The government must investigate the remaining cases, bring the culprits to justice and provide compensation in cases of wrongful killing, wrongful conviction, and wrongful confiscation of property.

### **Response from Thai-CAN**

43 people have been executed since 1999. 39 by shooting and four by lethal injection in 2003. These figures do not include many alleged judicial executions. The number of judicial executions seems to be less than in other countries in South East Asia such as Singapore and Vietnam.

Thailand executed 16 prisoners in 1999, 1 in 2000, 11 people in 2001, 11 people in 2002 and 4 in 2003. There are no executions in 2004 possibly as a result of protests based on Buddhist reading. Currently, 955 inmates have received death sentences, comprising of 845 males and 110 of these females (*data from Department of Corrections, June 10<sup>th</sup>, 2005*). Of these 528 males and 100 females have been convicted of drugs-related offences. Another 860 cases are under appeal.

### **Response from Thai-CAN:**

In a string of violent incidents in the southern provinces, 108 people were killed by state officials on April 28, 2004. Many relatives of the dead question for killings when arrest and detention may have been viable option. In Su Soh village of Songkla province, many eyewitnesses report that those killed had already surrendered. Moreover, relatives of the dead observed that the corpses bore gunshot wounds in the back of the head from close range.

On October 25, 2004 [the security forces opened fire], seven protesters were killed in front of Tak Bai district police station in Narathiwat province.

Another 78 persons either suffocated or were crushed to death when over 1,000 arrested protesters were of each other in overcrowded military trucks taking them to detention. More than ten people became disabled.

The government approved the compensation of 300,000 baht (US\$7,645; euro5,919) each for the families of the 85 victims of October 25. Compensation was also approved for 11 persons severely injured or handicapped in the incident, who will each receive 120,000 baht

(US\$3,058; euro2,367), while 59 others with lesser injuries will each get 20,000 baht (US\$509; euro393).

**Recommendations:**

1. The government should allow an independent investigation of the April 28, 2004 incidents.
2. The government should initiate special measures in addition to the Crime Victims Compensation Act to pay compensation or give necessary assistance to the relatives of those killed during war on drug and those killed in the southern violence.
3. Although the government provided compensation for the 85 death on 25 October, but relatives believe that the killing were unjust, and that the compensation was insufficient in particular, those who became disabled need more compensation for the loss of their ability to work.
4. The relatives of those killed in April 28, incidents should receive compensation.
5. The government should consider lifting the martial law and the release of those who are detained in Ingkhayuth Military camp so that the process of reconciliation can progress.
6. Those charged with treason, terrorism and drug related offences must receive a fair trial.

**Response from Thai-CAN**

Leg shackles is one form of restraint in Thailand and it may be considered a form of torture. The Correction Act allows males in death row to be shackled for 24 hours a day but females on death row are exempt. The law allows any prisoner who is a danger to others in the prison to be shackled. In practice, all male prisoners in death row are included. Several authorities in the Department of Corrections still mislead the public by saying that they shackle some dangerous prisoners only, and not 24 hours a day.

A plan by the Department to show executions on its website was prohibited by the former Minister of Justice (Mr. Pongthep Thepkarnjana). However, the Director-General Mr. Nathi Jitsawang still wants to make a video showing how prisoners live in the Central Prison (Bang Kwang). Many prisoners do not want to appear, arguing that that “it is like a double punishment” if their friends and relatives know the truth of their imprisonment.

**Response from Thai-CAN:**

After the Royal Decree amending the Criminal Act B.E. 25246 (2003), the government has enforced the law against eight Muslim religious teachers (case number black 176/2548) in the southernmost provinces of Thailand and four former students at Prince Songkla University, Pattani campus (case number 1021/2548). The eight suspects are charged under articles 32, 33, 83, 90, 91 113, 114 135/1 and 135/2 of the criminal law.

Thai criminal law Articles 135/1 and 135/2 relate to offenses of terrorism.

In both cases, officials did not comply with Articles nine and ten of ICCPR as the suspects were arrested in the southern provinces where martial law is implemented. The suspects were detained for seven days and the arrested were carried out without informing those arrested of the charges; in many cases, contact their relatives and lawyers was denied. Moreover in many cases, the bail was denied. The case of the eight religious teachers was transferred from the south to Bangkok. At present, this case is being handled by the Division of Special Investigations (DSI). The four former students are handled under a committee set up by the Royal Thai Police Institute.

The case of the religious teachers cases is under court proceedings, but the public has little information about the four students who are charged with killing a judge. A number of cases in the deep-south Thailand involve violation of ICCPR Article nine and are still rampant. Many suspects are arrested without being informed of the charges; some are tortured and forced to admit guilt.

Many Muslims including prominent human rights lawyer Somchai Neelapaijit, were abducted. Most eyewitnesses say those who come to “take away” these people away must be related to the authorities. After being ‘taken away’, some returned to their families as lifeless bodies and some still have never been seen again.

### **Recommendation:**

The Thai government should lift the martial law in the southernmost provinces of Thailand, allows the rule of law and abides by ICCPR Article 9 and 10.

### **Response from Thai-CAN:**

Nineteen human rights defenders have been killed since PM Thaksin Shinawatra was came to power in 2001 and only one perpetrator was brought to task.

The Government's failure to prevent violence against lawyers, local activists and the environmental rights defenders stems from the failure of concerned state agencies to protect the rights of locals for self determination which is enshrined state in ICCPR and the 1997 Thai Constitution.

### **Recommendations:**

1. The civic groups demand that the government enforce measures seriously

to protect the lives of people who fight to protect the rights of their communities and human rights.

To prevent further deaths, the government must set up an independent agency to handle this issue directly.

2. The government must sincerely bring to justice these responsible and must not allow a culture of impunity.

3. The government should not only promise to look into the cases but must strictly order police to handle the case in a straightforward manner and without fear of outside influence.

4. The government must set up a special fund to compensate the families of the human rights defenders who were killed.

5. The government must allow people to take part in decisions concerning projects that affect local communities under the ICCPR Article 1.

Also in October 2001, the Anti-Money Laundering Office (AMLO) examined the financial transactions of 22 NGO workers and journalists. These included Chaipan Prapasawat of the Community Rights Institute; Pakpum Withantirwat of the Southern Natural Resource Management Project; Barami Chairat of the Community Health Stage Project; Nanthachot Chairat of the Tammoon Project; and Prayong Doklamyai of the Northern Development Foundation.

The investigations were not justified according to the regulations of AMLO, who withdrew the investigations before they could be legally challenged, and appear to have been government-inspired attempts at intimidation.

There are sections of the Civil Procedure Code<sup>1</sup> that forbid any comment or criticism of the court's judgment or any processing of the case in order to influence public sentiment or the court.

However, a judiciary committee regulation empowers the committee to investigate complaints against a judge.

### **Response from Thai-CAN**

Migrants in Thailand are sometimes held in servitude (documentation withheld, excessive working hours, and payment below the minimum wage or no payment).

There are also physical and psychological punishments/for "underperforming" or

demanding better conditions, a lack of safety equipment and no expectation of intervention by relevant government officials on their behalf..

Government policy on migrant labourers clearly states that employers must not withhold documentation from the workers. (838,943 migrants registered for work permits in July 2004.) However, it is well known that employers hold registration cards, and in some cases, the local authorities themselves suggest to the employers that they withhold the cards in order to control the workers. If migrants do not hold their own cards, they are liable to arrest and deportation and therefore can not leave their workplace. They are thus forced to work in exploitative conditions.

Migrants are not allowed to form their own unions, and there are few if any Thai unions for them to join in areas where migrants work. They therefore have no legal representation or protection. When NGOs intervene, it is possible but difficult to gain legal redress for cases of servitude and labour rights violations. Without an NGO it is impossible, there is no political will. In most Labour Protection offices there is no-one who speaks the language of the migrants, migrants face discrimination, labour inspectors do not report the atrocious conditions that migrants work in, and employers are never checked to see if they are holding the cards of the migrants. Migrants who have taken cases to court have been blacklisted from all work in the area and have faced harassment. There is no protection for migrants in these cases. Not being allowed to travel, migrants have great difficulty escaping from abusive employers

### **Recommendations:**

To improve the enforcement of Thai law and policy, we encourage Royal Thai government to create a mechanism whereby migrants can report employers who hold their cards and appropriate action is taken.

To improve the working conditions of migrant workers, the Royal Thai government should train and support health and safety representatives for each workplace.

To reduce the incidence of servitude and bondage, the Royal Thai government should lift restrictions on freedom of movement and travel for registered migrants.

To reduce the incidence of servitude and extreme labour violations, the Royal Thai government should hold consultations with workers and other stakeholders to revise labour laws to include labour protection of domestic work and other informal work sectors.

There are many incidents that show the government's use of state mechanisms as a tool to intimidate and pressure members of the press and the media organizations such.

### Pressure and intimidation against professional media:

\*In November 2004, two hosts of a radio programme called "Khon-Khao Lao Khan" (Media people tell stories) aired on the parliament-owned station, verbally attacked Nualnoi Thammasathien, a reporter of BBC News (Thai Service) for her report on the Takbai incident of 25 October. In her report, Nualnoi said that the protesters were piled on top of each other in military trucks, and 78 of them died, many from suffocation.

The two hosts mentioned the reporter's name on the programme and accused her of damaging to national unity. They invited the audience to write to and call the BBC, to complain about her report. They also discussed with listeners who phoned in to the programme about arranging a protest against any representative of the UN who would want to visit Thailand to investigate the incident. They also told listeners that the reporter was staying in the country "at this moment".

Nualnoi said that the tone of the programme reminded her of the atmosphere leading up to the massacre of the student activists at Thammasat University in October 1976, when soldiers killed students whom they thought were a communist threat.

\*On 11 May 2005, Prime Minister Thaksin Shinawatra made a public comment blaming the Thai language newspaper "Matichon Daily" for running a headline that the Prime Minister said "was not constructive" and "showed disrespect to the country".

The Prime Minister was upset with a headline that read "Good governance in the Thai government declines as it has failed to control corruption – World Bank rates country at 49 per cent"

Responding to the Prime Minister's reaction, the Thai Journalists Association (TJA) released a statement, urging the Prime Minister to respect press freedom of expression on the case.

The Prime Minister used a state-owned radio station to react to the TJA. On his Saturday radio programme aired on 14 May 2005, he accused Prasong Lertrattanawisut, deputy editor of Matichon who is also vice-president of the TJA, of using the association to retaliate against him.

\*Between February 25 and to March 5, 2002, the Anti-Money Laundering Office (AMLO) instructed 17 financial institutions to investigate the bank accounts of the managers of The Nation, Naew Na and Thai Post newspapers and their family members. The three newspapers are generally critical towards the Thaksin government.

After the editors of the Nation Multimedia Group made a bid to have the investigation scrapped, Thailand's Administrative Court suspended the probe until a verdict was reached. In a radio address, Thaksin insisted he did not order the media asset probe.

After an outcry by local reporters and editors who accused the government of using dirty tricks to discredit its critics, Thaksin set up a panel to investigate the AMLO probe. The panel, which also came under fire as being biased, as expected, found that the AMLO probe into journalists and media organisations critical of the government was the work of negligent officials.

#### Pressure on the radio programmers

On 19 September 2004, Maj Gen Patipon Kulapichit, Secretary of the Administrative Committee on Radio and Broadcasting, the Office of Supreme Commander, sent out a memo to radio stations, asking for cooperation to control the contents to be presented in programmes. The command urged programmers to keep out opinions which opposed government policies.

#### Pressure and intimidation against alternative media

\*On 17 June 2005, the National Tele-communications Commission (NTC) initiated a raid on two community radio stations in Bangkok for operating with broadcast power beyond the legal limit. The NTC deputy secretary-general Manas Songsaeng said that this was because

of disruption of signals from the radio stations of the Air Force and the Bureau of the Royal Household. They pressed charges against the station's operators, who face a fine of Bt100,000 and five years imprisonment if found guilty.

\*On 21 June 2005, two websites with content deemed strongly critical of the Thaksin government were shut down. One websites - [www.thai-insider.com](http://www.thai-insider.com) – had been launched on June 11. The website carried reports and opinion pieces highly critical of the government while the other one - [www.fm9225.com](http://www.fm9225.com) - belongs to a community radio station which frequently hosted critics of the government.

Suwit Khun-kitti, minister of Information and Communications Technology (ICT), said officials from the ministry's Cyber Inspection Division might have ordered them shut down on their own initiative after considering some of the content to be detrimental to national security.

### **Legal obstacles to community radio**

\*On 20 May 2005, PM's Office Minister Suranand Vejjajiva has ordered the Public Relations Department (PRD) to close down all community radio stations that broadcast over the legal limit. The order read that community stations that use more than 30 watts to broadcast, have antennas taller than 30 metres or air programmes over more than a 15-kilometre radius, will face closure.

The authority closed down two community radio stations in Bangkok and one in Ubon Ratchathani province. The authority accused the stations of disrupting Aeronautical Radio of Thailand's signal, but failed to present evidence that proved its allegation.

### **There are also other cases where companies in the Prime Minister and his family's business empire, filed libel suits against media organizations and critics of the Prime Minister.**

\*iTV Station, in which the Prime Minister's son and daughters are major shareholders, filed a libel suit, in both civil and criminal court, against Assistant Prof. Thamrongsak Petchlert-anant of Rangsit University and Krungthep Turakij newspaper.

The television station cited the lecturer as first defendant in an accusation of defaming it in his article "Stop buying goods on iTV", published in Krungthep Turakij's Chudprakai section on April 20 last year. iTV demanded Bt80 million in compensation for giving its staff, clients and the public a bad reputation.

\*The Thai Post newspaper, one of the most critical newspapers, also faces three libel suits filed by the Prime Minister and another two brought by Shin Corporation. Shin Corporation was founded by Prime Minister Thaksin Shinawatra.



In June 2005, the National Human Rights Commission delivered a report regarding its findings on the level of force and tactics used by the police and voluntary militias on 16 October 2003 in the suppression of a peaceful protest by landless farmers against the Royal Thai Police, the Royal Forest Department, the Cooperative Promotion Department, the Agricultural Land Reform Office and Krabi Province. In the report, recommendations were presented as follows:

Within six months after receiving this report, the Royal Thai Police should issue an order on practical guidance for police officers in dealing with arrest in relation to peaceful and unarmed protest in accordance with human rights principles.

1. Within two months after receiving this report, the Royal Forest Department should not renew or should bring to an end the expired land rental contract with the private sector and redistribute those lands to landless people.
2. Within two months after receiving this report, Krabi Province should file a legal case against those illegally occupying land under the public land use law, and afterwards the land should be redistributed to landless people.
3. Within two months after receiving this report, the Cooperative Promotion Department should file a legal case against illegal occupiers of the department's land.
4. Within two months after receiving this report, the Agriculture Land Reform Office should file a legal case against those occupiers who do not qualify as small farmers.

According to **Article 8 of ICCPR** : 1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. 2. No one shall be held in servitude. 3. (a) No one shall be required to perform forced or compulsory labour;

### **Response from Thai-CAN**

Exploitative working conditions still persist for child labourers, particularly children of ethnic minorities and migrants. Ethnic minorities have their right to travel restricted. Refugees and migrants have no freedom of travel. These restrictions allow for smugglers, brokers and traffickers to “facilitate” movement and to separate children from their parents and profit from moving the children and from forcing children to work as domestic workers, beggars, selling sex and in sweat shops. The conditions the children are forced to work in consist of

- a) low remuneration and excessive hours of work
- b) hazardous work and unsafe working conditions
- c) physical and mental abuses

## **Recommendation**

Restrictions on the right to travel within Thailand should be lifted.

Appropriate educational facilities for children of ethnic minorities and migrants should be made available.

Ethnic minorities, migrants and refugee families should be able to access the social security system of Thailand.

According to **Article 24** 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. 2. Every child shall be registered immediately after birth and shall have a name. and 3. Every child has the right to acquire a nationality.

## **Response from Thai-CAN**

Children of ethnic minorities, of migrants and of refugees can now be registered at birth, although as this is a recent change, not all parents are aware of this and it remains difficult for parents to access the system.

These children are not granted nationality through the birth certificate. For children of Burmese migrants and refugees in Thailand, no assurance has ever been given by the government of Burma that the children will be recognized as Burmese citizens in the future. Without any agreement in place, these children might be denied the right to acquire a nationality in the future. It is also unclear whether children of Laotian migrants born in Thailand will be recognized as Laotian citizens.

## **Recommendations**

Children of ethnic minorities of Thailand should automatically be granted Thai citizenship.

Bi-lateral agreements should be sought to ensure the future citizenship of migrant children.

Children of refugees should be recognized as refugees and granted all rights in accordance with that status.

The latest election for the House of Representatives (February 6<sup>th</sup>, 2005) showed the need for several crucial reforms in Thai election law.

The independent institution related to elections (Election Commission of Thailand or ECT) is not transparent or neutral.

Thailand should create an effective mechanism in selecting the Election Commissioner. The law should require that the five ECT Commissioners come from different professions i.e. judge, academic, lawyer, journalist and NGO staffs, etc. Background checks are needed on whether they have committed crimes or are members or supporters of any party. This selection process must apply to the ECT at provincial and district levels.

The national ECT should not have absolute power to disqualify candidates. The law should allow the candidate or party to appeal their cases to the Constitutional Court or Administrative Court.

Electoral corruption including vote-buying needs to be eliminated from Thai society and it must be the role of the ECT to punish both voter buyers and sellers.

Political parties and their representatives

The Article 14 of the Election Law should be amended to be representatives of political parties from being poll officers.

Party members and supporters must be strictly prohibited from campaigning inside and outside polling stations on election day. Those who wear the logo of party must not be allowed to enter polling stations or stay nearby.

Campaign finance should be strictly controlled.

Caretaker government or similar body

Government officials have unfair campaign advantages, because they can also act as government representatives, even though they should be careful to separate this role from their party political role.

To prevent the ruling parties from using state facilities, media and personnel in their party campaign, Thailand should learn from Bangladesh by establishing an interim government to govern the country for 3 months. There shall be a Non-Party Caretaker Government from the date on which Parliament is dissolved or stands dissolved by reason of expiration of its term, till the date on which a new Prime Minister enters upon his office after the constitution of Parliament.

Civil Society

The Independent organizations i.e. P-Net, Poll Watch, etc. should be received budget support for election monitoring activities without condition. The grant should be channeled through other sources, not via ECT. Sufficient budget will permit them to have enough local observers and training to monitor elections in all 76 provinces. The ECT should accept the crucial role of civil society and media by perceiving that ECT activities must be monitored.

Buddhist monks and the non-degree candidate

Thailand may need to review the voting rights of Buddhist monks in order to conform to international standards and it should allow those who do not have a bachelor degree to compete in elections. In politics, there is a need for good leaders to provide good governance. We need leaders who have a vision of what they want to accomplish for their communities and the passion to see it through. While leadership skills may be taught in institutes of learning, leaders are self-made and not products of formal education. Besides, there are essential leadership qualities such as integrity that cannot be taught. These are acquired through self-discipline and relentless effort.

#### Prisoner's right to vote

Thailand should study electoral developments in other countries i.e. Indonesia and South Africa where all prisoners are allowed to vote inside prisons. Prisoners have lost physical rights but are still citizens of the country ; they do not lose their citizenship when they are behind bars. They still have ID cards like other people. It is essential to maintain their right to life and the right to select their leaders/government. They may want to vote for good candidates who give them justice, improve prison conditions, respect human rights, eliminate corruption, etc. They should not lose their political rights completely.

Ethnic minority groups are defined by the state as ethnic groups or people of different races who live together and are fewer in number when compared to the majority of the population. The ethnic minorities are different from the majority with regard to race, ethnicity, religion, language, traditions, customs, culture, and on political ideology. In general, the ethnic minorities are people who migrated from other countries. If their numbers become bigger and they become economically and politically powerful, this could impact the power structure, administration system, and the stability of the government and the development of the country.

This concept has formed the foundation of most states' assimilation policies for ethnic minorities. Ethnic culture and identity are usually used to promote tourism than to promote the ethnic consciousness among the minorities.

Presently, the Thai state has officially acknowledged 9 major hill ethnic minorities: Karen, Hmong, Mien, Akha, Lahu, Lisu, Khamu, and Mlabri. Some of these major groups also have different sub-groups.

There has always been ethnic bias among the ruling class of the Thai state. This can be seen in the state's highland development policy based on national security, the prevention of forest destruction, and the spread of narcotics. As a result, ethnic minority groups have been discriminated against by state policies. They have been treated as if they were second-class citizen. During the enforcement of the government's war-on-drugs policy in February to May 2002, many members of the hill ethnic minority groups became victims of extra-judicial killings, were threatened, were charged with possessing drugs, or had their assets confiscated. They were denied due process as guaranteed under the law and the Constitution. Many did not dare leave their houses or communities, and felt insecure for their lives and their assets. Divisions arose in the community because members did not trust each other. Currently, the Thai state's war-on-drugs policy is in its fourth stage since July 2004. Its main target remains members of the hill ethnic minority groups.

## **Civil Rights**

According to the Cabinet Resolution on 29 August 2000, members of the hill ethnic minorities have been classified into 3 categories according to either their place of birth or the year that they migrated into Thailand. This categorization enables the government to control them. However, this has impacted on the verification of their individual status and has resulted in little progress in the verification process.

According to the Central Registry Office, Department of Provincial Administration, Interior Ministry, as of 24 August 2004, there are 377,677 hill ethnic minority people without Thai citizenship or any legal status (Others may have been left out from government's surveys). Of these, some 90,739 are considered as "original hill tribes" who are eligible to Thai citizenship. Another 66,411 are eligible to apply for alien status. About 220,527 people are said to have entered Thailand after 3 October 1985, and thus are considered illegal migrants. As such, this last group is not eligible to apply for any legal status. They are allowed to stay in the country temporarily awaiting deportation. On 12 January 2005, the National Security Council met and concluded that there are more than 1.8 million people without nationality in Thailand. Of these, some 360,000 are original hill tribes without nationality but who are considered as migrants from other countries. Moreover, there are also large numbers of people who were not included in any state registration system. These people were born in Thailand but are without nationality.

The Thai state policy that divides the hill ethnic minorities into 3 categories has grave impacts on these people. Several hundred thousand of them have become stateless, without any legal status. As a result, they cannot get access to basic state services such as education and health care. Many children have been denied birth registration rights. Their rights to become citizens, as enshrined in Article 24(2),(3) of the ICCPR have been denied. In addition, the hill ethnic minorities without nationality cannot travel outside their district without permission of the district chief. Permission is limited and travel that takes longer than 7 days must be approved by the provincial governor. In cases of sickness, there is a risk of the deterioration in health as the sick cannot travel to seek medical treatment at other districts with better-equipped health care establishments.

## **Rights to Land**

Due to the delay in the verification of their legal status, members of the hill ethnic minorities have faced great difficulties in accessing land and property rights. According to Article 46 and 56 of the 1997 Constitution, the original community has the rights to conserve or revive their traditions, customs, or wisdom. Their rights to manage and utilize natural resources in a sustainable way are guaranteed under the Constitution. However, in reality hill ethnic minority communities have been denied of these rights. They have not been allowed to participate in the management and utilization of forest and other natural resources. Instead, several state policies on forests and lands have made them illegal residents of the forests. The state's declaration of 4 major forest laws and the demarcation of forest areas were not based on real information at the local level. Most importantly, there was no participation from civic groups to investigate the rights of the villagers to reside in the areas declared as forest areas. As a consequence, forest protected areas have been declared which overlap lands that villagers have cultivated and lived in for centuries. Several conflicts, therefore, have taken place. Many villagers who reside in the protected forest areas have been arrested such as the case of the ethnic Palong, Lahu, and Lisu villagers in Pang Daeng village, in Chiang Mai's Chiang Dao district. Authorities have arrested

these villagers in 3 different occasions. The arrested villagers have been charged with encroaching and destroying forests. Others have been charged with entering the country illegally. Their cases are still pending in the local court. Other state policies that affect villagers include the Master Plans to control narcotic crops, and a new policy on a model of forest village. According to this policy, approved by the Cabinet Resolution on 27 July 2004 and 10 August 2004, over 10,000 villages all over the country will be targeted. Utilization of farmlands will be restricted, leading to a dramatical reduction in the lands that each family will be allowed to live and farm on.

## **Appendix & Concerning fact sheets**

### **Appendix 1 :**

The following summarizes the life and works of each local activist and the situation after the death of these human rights defenders.

1. Phra Supoj Suvajano, a monk who lived at the Mettadhamma Forest Sanctuary Dhamma Centre in Chiang Mai's Fang district, is the latest environmental and human rights defender to be killed on June 17, 2005. Phra Supoj had death threats for more than three years.

Phra Supoj had been protesting against illegal logging, and he was an advocate on development and conservation issues. The murder occurred while the monk was leading a campaign against forest encroachment that is allegedly linked to a national politician.

2. Pakwipa Chalermklin, 49, the vice president of Ban Hua Krabue Community Group, Pa Mok district of Ang Thong province, was shot dead on October 14, 2004. She led the fight against construction of a sand dredging port in the community. Prior to her death, she had been threatened and offered money to drop her campaign. A Member of Parliament has close links to the proposed construction. The case is still with the police.

3. Charoen Wat-aksorn, 37, a leading opponent of the Bo Nok coal-fired power plant in Prachuap Khiri Khan, was fatally shot on June 21, 2004 in his home province shortly after he and a local leader testified in Bangkok before a senate panel investigating public land-grab allegations.

His dedication was recognised by many NGOs and in academic circles. He and his community members have been launched many environmental campaigns against multi-billion projects which will affect their coastal fishing lives. The project was shelved after a series of protests and petitions. Yet, 930 rai of public land is still at the hands of the brokers so he continued to disclose the facts and demand return of the public land to the community.

4. Lawyer Somchai Neelapaijit was abducted On March 12, 2004. Witnesses said that he was pulled from his car in Bangkok, allegedly by five policemen, and never seen again.

Somchai was abducted because he was defending five clients who had suffered extremely brutal torture at the hands of the police in the south of Thailand, and he had dared to speak out. He had come to Bangkok to press their case before senior authorities.

Since his disappearance, his wife, Angkana, has sought answers. Despite the wishes of the public prosecutor, she has become the co-plaintiff in a criminal case against the five accused men [Bangkok Criminal Court black case no. 1952/2547]. But there is no development of Somchai's case.

5. Suwat Wongpiyasathit, 45, led the residents of Jamjuree housing estate in Racha Thewa subdistrict of Samut Prakan's Bang Phli district in protests against Racha Thewa garbage dump site in late 2000. They complained to several agencies about the foul smell, flies, and putrid water coming from the landfill.

Police arrested six suspects, one of whom was Somyut Phumphakdee, secretary of the Racha Thewa tambon administration organisation.

Police attributed Suwat's murder to his opposition to the landfill.

6. Boonsom Nimnoi, 44, was among many villagers opposing the construction of a petrochemical plant in Bang Kaew subdistrict. He was also a member of Bang Kaew TAO. He was shot on September 2, 2002, while riding his bike home about a kilometre from the Plant site. Boonsom and many locals started to voice their opposition in 2001 when they heard the plant was to be built in their locality.

The petrochemical company had proposed a two-billion-baht plant to produce diesel oil, liquid petroleum gas, naphtha and other by-products for use in the chemical industry.

Boonsom and other community leaders led the opposition by villagers in four subdistricts: Bang Kaew, Bang Khun Sai, Laem Phak Bia and Pak Thalee. They feared the plant would ruin the marine environment on which their livelihood as fisher folk depended.

7. Jurin Ratchapol, 55 a leader of the Pa Khlok Mangrove Forest Conservation Group in Phuket was killed in 2001 while opposing a businessman's plan to turn the mangrove forest into a prawn farm.

He and his neighbours were trying to protect the last mangrove forest of this famous tourist destination.

A gunman and the businessman were later arrested and tried in the Criminal Court. The gunman was sentenced to life imprisonment but the businessman suspected of masterminding the murder walked free because the state lacked sufficient evidence.

Jurin has inspired many other villagers to save their mangrove forest as the part of small scale fishermen and ecological tours, which won an award from the Tourism Authority of Thailand.

8. Pitak Tonwut, 30 was gunned down near his house in tambon Chompoo, in Phitsanulok's Noen Maprang district on May 17, 2001. The 31-year-old environmental activist died immediately.

Mr Pitak's body is still kept at the community's temple. Many villagers and his wife have agreed to postpone the cremation indefinitely until justice is done.

Mr Pitak was a leader of a protest against rock blasting in the Phadaeng Rang kai forest reserve, adjacent to Thung Salaeng Luang National Park.

He was helping villagers because the rock quarries are only one kilometre from the village which is against environmental law.

The companies blasted, crushed and transported the rock day and night. Natural waterways dried up because the rock blasting destroyed the headwaters. The village was covered by thick dust. Paddy fields and corn plantations close to the mining sites shrivelled. With Mr Pitak's help, the villagers forced the Chompoo TAO, the Forestry Department, and the Phitsanulok provincial governor to reject the renewal of the companies' rock blasting licences and they were ordered to stop all activities.

9. Samnao Srisongkram, 38, was murdered in May, 2003, led a grassroots movement against a major pulp and paper company accused of polluting nearby farmland and a river. The movement later has virtually come to a standstill.

Samnao try to protect the Nam Phong river in this northeastern province of Khon Kaen from being polluted. The pollution became noticeable in 1993 many fish died in polluted waterways.

This is the only case where the police found the killer who is now being sentenced to



death. But the police could not find the mastermind other than a subdistrict head who admitted hiring the gunman.

10. Chaweewan Puek-soongnoen, 45, was a leading campaigner against alleged corruption in road construction projects in the Ban Naklang Tambon Administration Organisation (TAO) in Soongnoen district, Nakhon Ratchasima. Her death not only dealt a blow to the community but discouraged locals from examining the transparency of other projects.

Chaweewan, a 35-year-old mother of two children aged 9 and 7, was shot in the head on June 21, 2001 in front of her home shortly after a meeting with other anti-corruption campaigners. Chaweewan had earlier received a death threat from an influential figure in the community, who demanded she stop examining his projects, according to many locals.

11. Kamphan Suksai, 55, was shot dead at Pa Bong village in Chiang Dao district of Chiang Mai on Feb 1, 2003. Kamphan was a village headman and forest protector.

Kamphan died at the hands of an ex-forest protection worker for Doi Chiang Dao Wildlife Sanctuary who was earlier caught felling trees in the Ban Pa Bong community forest. Kamphan was then head of the community forest protection committee, and led a group of villagers to stop Chankaew Chandaeng, a former wildlife sanctuary worker, from felling trees. Chankaew was forced to pay a 25,000 baht fine under the village's community forest protection rules.

12. Boonyong Intawong, 42 was shot dead for leading villagers of Rong Ha in Wiang Chai district, to protect the mountain area from a quarry.

In 2001, three local companies moved to mine the mountain in Chiang Rai Province to feed the construction industry. Boonyong was aware that the rock quarry would threaten the local way of life. The construction company, run by a politician, began operating a quarry covering about 40 rai. Villagers say their irrigation canals and natural streams had run dry and they could hardly grow crops in the dry season any more. On Dec 20, 2002, before he could save the mountain, he was shot and killed while having dinner with his wife on the terrace of their house.

13. Supol Sirijan, 58, an assistant village headman of Den Udomvillage in Mae Mok subdistrict of Thoen district, worked to protect the forest in the area for 15 years.

A Lampang native, Supol was shot by gunmen on August 11, 2004. It was believed his murder stemmed from his ongoing campaign against illegal logging in Huay Kok forest reserve in this northern province.

In 1992, villagers at Den Udom village, led by Supol, set up a committee to manage and protect the 5,000-rai Huay Kok forest reserve which had deteriorated as a result of illegal logging.

The grassroots group launched a campaign to educate villagers about the impact of deforestation and urge them to keep an eye out for illegal logging.

15. Kaew Pinpanma, a villager of Ban Doi Noi in Doi Lo sub-district, Chiang Mai province was shot dead on June 23, 2002. He left his blind son in limbo.

A local environmental group suggested Kaew may have been murdered for his part in the grassroots land occupation movement which tried to make use of land left vacant by investors. There have been sporadic incidents in recent years where landless farmers in the North and Northeast provinces occupied public land

or land left idle by investors, leading to conflicts with the landowners or authorities.

The land that Kaew and his community folks try to use, is said to have questionable ownership documents.

16. Narin Phodaeng, 67, a former employee of the Metropolitan Electricity Authority, a resident of Ban Klong Hin in tambon Huay Thapmon of Rayong's Khao Chamao district, was gunned down on May 1, 2001.

Narin's family and friends, however, are convinced the shooting was linked to his active role in leading a protest against a rock quarry concession in his community.

Narin was chairman of the Khao Cha-ang Klang Thung Natural Resources Conservation and Environmental Protection Group. He was a staunch opponent of a rock quarry in which a group of national-level politicians were shareholders.

17. Somporn Chanapol, a community leader, was gunned down at his house in tambon Klong Sra of Surat Thani's Kanchanadit district on Aug 1, 2001.

The murder occurred just days after he tried to stop a group of illegal loggers who were cutting down trees in the forests which are part of Si Keed Waterfall national park.

18. Also in Surat Thani province, Aree Songkroh, the 47-year-old founder and leader of Klong Kram watershed conservation group, was killed Dec 30, 1999 before Thaksin rose to power. A suspected gunman, Udom Wanpetch, was arrested almost two years later. According to Kanchanadit police station's criminal file record, a ``personal conflict" was the motive for the murder.

Contrary to the police conclusion, his neighbours believe Mr Aree was killed because of his active role in protecting the community forest from illegal loggers. He try to stop a private firm from cutting down trees in the community forest. Aree also prevented log poachers from hauling illegal timber out of our forest.

Aree and his wife had been protecting the 25,000-rai community forest, which is part of the Si Keed Waterfall national park, a headwater of several major rivers in Surat Thani. Led by Aree, the villagers' strong forest protection movement impressed park officials, who eventually dropped a plan to relocate Na Tam villagers on condition that they help protect the virgin forest from illegal loggers and encroachers.

Aree successfully established a local conservation group and set up rules for sustainable use of the forest. A number of villagers agreed to quit illegal logging and join the village's forest protection work. Aree had since managed to chase away many log poachers.

19. The family of Boonrit Channarong, 55, who was gunned down by a forestry officer at Kaeng Krung national park in Surat Thani's Tha Chana district two years ago, has called on the National Park, Plant and Wildlife Conservation Department to stop using violence against local villagers.

A forestry patroller Sunkeng Kwanpoke confessed shortly after the killing, claiming that he had shot Boonrit in self-defence.

Boonrit defended his communities right to land right, as the whole community area was declared as a national park. Villagers insisted that they have been living there before the declaration. They want the state officers to respect their rights to use the forest in a sustainable way.

Many of the relatives of those killed in defending their rights to environment still live in

fear, Preecha Thongpaen's family was one of them. The late Preecha was a campaigner against a planned wastewater treatment project in this southern province and was gunned down on September 27, 2002 in broad daylight in front of Thung Song district electricity office while he was riding his motorcycle home. Because of local opposition, the then Minister of Science, Technology and Environment Sonthaya Khunpluem ordered the Thung Song municipality to scrap the project in May 2002.

## **Appendix 2:**

### **Case**

On October 15<sup>th</sup> 2004 65 Burmese workers approached the Labour Protection office in Mae Sot, Tak province with a list of complaints about their employer at Por Thai Sun (2) Co. Ltd, a factory making garments for export. The complaints included:

Being paid 30 – 50 baht a day (80c – 1.2US\$) (minimum wage under the labour law is 139 baht (US\$3.6).

Daily working hours: 12 – 13 hours.

Days off: not more than 10 days a year

These workers lived on site. Therefore loss of job meant loss of accommodation.

The workers held the temporary ID cards (Tor Ror 38/1) but the employer had not registered them for work permits.

Workers were dismissed without due reason or notice on October 10<sup>th</sup> 2004, and then forced to leave their accommodation at the work-place on October 15<sup>th</sup>. On this date the workers went to the Labour Protection office in Mae Sot to file their complaints,

The officer there refused to service the migrants since there was no interpreter at that office. The migrants found their own interpreter and filled in the forms. However when they returned the officer said they had to fill in the forms at the office. It took three months to fill the forms (Cor ror 7) for 65 workers. The next step is to fill in the investigation form (Cor Ror 3) but the office could not find an interpreter for another five months. The process is still on-going. The workers have been arrested several times on the way to the Labour protection office.