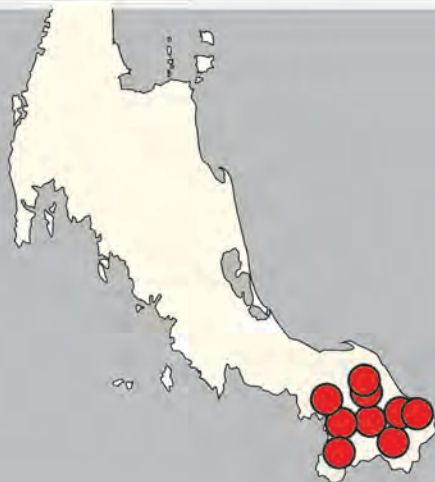




ENFORCED DISAPPEARANCES IN THAILAND

JUSTICE FOR PEACE FOUNDATION
MAY 2012



JUSTICE FOR PEACE FOUNDATION
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Enforced disappearances in Thailand

Justice for Peace Foundation

May 2012

Acknowledgements

This report was written by Susan Appleyard. Research for the report was conducted by Susan Appleyard, Pratubjit Neelapaijit, Vilasinee Sukka and Laddawan Tamafu. Sarah Muzart prepared the annex of cases and proof read the report. The report was reviewed and edited by Angkhana Neelapaijit.

The report was translated by Pipob Udomittipong and the annex was translated by Justice for Peace Foundation.

Several individuals graciously gave them time to review sections of the report or provide advice on research. JPF thanks them for their contribution, particularly Jem Stevens.

JPF thanks the Asian Federation Against Involuntary Disappearances (AFAD), for its support for the translation and printing of this report.

JPF also thanks the many people who gave their time to provide information for this report.

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Summary

Thailand has a decades long history of state violence and authoritarianism. Enforced disappearances take place in this context and cannot be divorced from the broader, often violent, political context. Since at least the 1950s, enforced disappearances have taken place alongside a range of very serious human rights violations such as extra-judicial killings, arbitrary detention, torture, threats and intimidation. Enforced disappearances should therefore be viewed as one manifestation of the violent methods employed by the Thai State to stamp out dissent or to eliminate suspected criminals, outside of the rule of law.

Laws codifying immunity of state officials, a politicized and sometimes weak criminal justice system (including the police, the Department of Special Investigations and the judiciary) and a concerning lack of political will, have resulted in impunity for security officials who are directly responsible or bear responsibility through chain of command for these serious crimes. Decades of impunity have created a context in which administrative and security officials know that their illegal actions are condoned by the state and the likelihood of punishment is extremely low. They are therefore free to use extra-legal methods in their implementation of government policies or to settle more personal local disputes. As a result, enforced disappearances, along with extra-judicial killings, arbitrary detention, torture, threats and intimidation, have become legitimized as necessary and appropriate extra-legal methods of policing the Thai State.

JPF's research on enforced disappearances that have taken place over the past decade in Thailand reveals patterns in regard to government policies that have directly contributed to enforced disappearances, groups of people that are permanently vulnerable to enforced disappearances, the methods used to disappear a person, the additional violations the enforcedly disappeared person experiences, and the Government's failure to provide remedies, both judicial and non-judicial.

JPF has personally documented 40 incidents that involved the enforced disappearance of 59 people.¹ Analysis of these incidents reveals that men from minority ethnic groups, such as Malayu or Hill Tribe communities, are disproportionately more vulnerable to enforced disappearances. Around 94% of the victims were male and around 86% were from ethnic minorities. JPF found that disappearances have taken place in all regions of Thailand, though specific policies in some areas appear to have resulted in increased enforced disappearances in some regions during particular time periods. Of the 59 enforced disappearances documented by JPF, 12 people were from northern Thailand, five people from western Thailand, seven from Isaan (north east), 33 from southern Thailand and two people were from Bangkok.

JPF found that two specific government policies had resulted in increased enforced disappearances. Firstly, the highly militarized counter-insurgency approach adopted in southern Thailand by various governments, beginning in 2001 under the Thaksin Administration accounts for around 55% of the cases of enforced disappearances documented by JPF. All of the victims are Malayu Muslim men. Peaks in disappearances in the south took place in 2004 /5 and 2007, which account for 42% and 24% of

¹ There are some additional cases referred to in the report which were documented by other organisations and therefore are not included in JPF's statistics.

southern disappearances documented by JPF, respectively. Renewed counter-insurgency policies were issued from Bangkok preceding both periods of increased disappearances. Young men are targeted in the south with nearly 80% of victims under 40 years of age and 45% under 30 years of age. Security legislation in force in southern Thailand that allows security officials to bypass the usual safeguards related to detention has directly contributed to heighten numbers of enforced disappearances in southern Thailand.

The second government policy which has directly resulted in increased disappearances was the War on Narcotic Drugs policy implemented by Prime Minister Thaksin in 2003. This policy has had lasting impacts on the practice of enforced disappearances and extra-judicial killings, well beyond the end of the official policy period. At least 10 of the enforced disappearances documented by JPF related to suspected or alleged drug use or dealing. Enforced disappearances associated with drug use are difficult to document as the families experience high levels of fear. JPF suspects that the real number of disappearances in which the victim is alleged to be involved with drugs is far higher than documented. JPF documented in detail a very violent implementation of the War on Narcotic Drugs Policy in one area of Chiang Mai province affecting victims from Chiang Rai and Chiang Mai provinces. JPF has documented reports of patterns of arbitrary detention, systematic torture, extra-judicial killings and enforced disappearances perpetrated in the north of Thailand from mid to late 2003.

In addition to these two policies, JPF has found that particular categories of people are vulnerable to enforced disappearances throughout Thailand. Firstly, people with close relationships with officials/police/army and/or people who come into conflict with these officials are vulnerable. While these relations frequently involve illegal activities such as drugs, people smuggling or illegal lotteries, this does not justify an official's use of extra-legal methods, such as enforced disappearances. Sometimes the relationship may involve the individual providing information to the authorities or may involve a personal conflict between an individual and an official. In 25% of the cases documented by JPF the victim had some type of relationship with officials prior to the disappearance.

Secondly, activists are at risk of enforced disappearances. JPF documented five enforced disappearances that were a result of the individual's human rights, political or anti-corruption activism. JPF also found that environmental and land rights activists were vulnerable to extra-judicial killings and murder. Thirdly, witnesses of crimes or human rights violations are vulnerable to enforced disappearances. JPF documented four enforced disappearances that directly relate to the victim's status as a witness. In four incidents, as many as eight people may have been enforcedly disappeared because they witnessed the killing or disappearance of the person they were with. Fourthly, migrants are vulnerable to enforced disappearances in part because of the lack of legal protections afforded to them and also because they are viewed by some officials as a threat to the nation.

Methods of disappearing a person follow three patterns throughout Thailand. The first, and most common method, involves officials, sometimes in uniform and sometimes in plain clothes, taking the victim(s) from the street forcing them (and their motorcycle) into another car or truck and driving away. These cases are often witnessed, but are usually not in the immediate vicinity of the victim's home or workplace. 68% of enforced disappearances documented by JPF followed this pattern. The second method is to arrest the victim, usually without a warrant, from his home or other location that is regularly used by him such as the workplace, mosque or local teashop. The arrest is conducted by

officials. 22% of enforced disappearances documented by JPF began with this form of arrest. A third – though less common – method of enforced disappearance involves inviting the victim to meet with officials at a specific location. 12% of enforced disappearances documented by JPF began with such an invitation.

There is evidence to suggest that those who are enforcedly disappeared also experience other human rights violations including arbitrary detention, torture and extra-judicial killings. Testimony provided by detainees in southern and northern Thailand province in 2003, indicates that these violations were taking place at the time and in the area from which the victims were disappeared. In regard to northern Thailand, JPF has documented witness testimony indicating the arbitrary detention, torture and extra-judicial killing of two individuals who were disappeared in that area. JPF believes that other victims of enforced disappearances have also been the victims of arbitrary detention, torture and in many cases extra-judicial killings. Recovery of the remains of the victims would assist in securing evidence of these violations.

Judicial remedies, the right to truth and the right to reparations for enforced disappearances remain largely denied by the state in Thailand. The failure to define “enforced disappearance” as a crime in Thailand stands in the way of prosecutions. Compounding this is weak investigatory and prosecution bodies that lack independence. In no case has there been an appropriate prosecution of the perpetrator of an enforced disappearance in Thailand. Right to truth is systematically denied as government agencies seek to hide rather than reveal the truth about enforced disappearances. Exacerbating this is the weakness of the National Human Rights Commission which does not have offices outside of Bangkok and has taken little initiative to actively seek the truth in cases of enforced disappearances. Reparations for enforced disappearances, has been extremely limited. In a small number of cases in southern Thailand, 100,000 Baht was paid to the relatives by the Government on recommendation of the Government-established National Reconciliation Commission. The recent recommendation by the Prime Minister-established Committee for Compensation of People Affected by Unrest in the Southern Border Provinces, recommended the Government pay reparations to several cases of enforced disappearances from January 2004 to 30 September 2011. In other regions of Thailand there has been no progress on reparations. Various governments have also failed to ensure cessation and non-repetition of enforced disappearances.

Summary of recommendations:

The Government should ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

The Government should adopt legislation that criminalizes the act of enforced disappearance, creates appropriate investigation mechanisms and ensures the full rights of the victim and their relatives.

The Government should amend existing legislation relating to witness protection, detention, “good faith” clauses and destruction of evidence.

Investigation and prosecution procedures should be improved, including immediate filing of first information reports, immediate investigation, rapid referral to DSI, involvement of independent forensic experts, provision of witness protection, and respect for the rights of the relatives.

Where necessary commissions of inquiry should be established into particular categories of enforced disappearances and other human rights violations such as (i) ongoing disappearances related to suspicion of involvement with drugs; (ii) human rights violations in northern Thailand in 2003; and (iii) killings and disappearances of activists.

A national level reparations mechanism should be established. Until this is established in all cases of enforced disappearance relatives should receive interim compensation.

The National Human Rights Commission of Thailand should play a significantly enhanced role in establishing the truth and ensuring justice and reparations.

In all known cases of enforced disappearances there should be independent and thorough investigations leading to prosecutions and sentencing of the perpetrators.

Methodology

Research for this report was conducted over 10 months in 2011. All cases of enforced disappearances and extrajudicial killings in the north, west and east were documented through interviews with relatives and witnesses by JPF staff in 2011. Some of the cases in the south had been documented by members of the Working Group on Justice for Peace (the precursor to the Justice for Peace Foundation) in 2006 and 2007. These interviews were used for this report, in addition to additional interviews with relatives, witnesses and officials in southern Thailand.

Interviews are complemented by literature reviews, particularly in regard to the cases of enforced disappearances which took place prior to 2000.

Aside from southern Thailand, a lack of documentation of serious human rights violations in Thailand was a significant challenge to this research. JPF found that, with the exception of the Development Quality of Life Lahu Association in Chiang Mai province and a victims' network in Kalasin, no organization or individual was documenting serious human rights violations in the west, north or east of Thailand. Thus the cases of enforced disappearances documented by JPF in these areas is a result of researchers hearing of cases through word-of-mouth rather than systematic documentation. Where we found one case of an enforced disappearance or extrajudicial killing, we nearly always heard about several additional cases, some of which we were able to document. This leads us to believe that the cases documented in this report represent only a small portion of the real number of enforced disappearances in Thailand.

Extreme fear continues to limit the cases in which relatives seek help from NGOs or make information about the disappearances public. Exacerbating this situation is the lack of NGOs working on this issue in these areas of Thailand. As there is no presence of the Thai National Human Rights Commission outside of Bangkok, relatives of the enforcedly disappeared do not know what the NHRC is or how to report their relative's disappearance to this official human rights body. The NHRC should make a much greater effort to be present and active in the provinces of Thailand.

JPF views this research as a first step in uncovering the extent of the practice of enforced disappearances in Thailand and encourages others to take forward the struggle for truth, justice and reparations, as well as an end to the practice of enforced disappearances in Thailand.

Unless otherwise stated, victims are male. Due to the significant proportion of victims being male, in this report JPF has only states gender of the victim when the victim is female. In some cases names and locations have been withheld on request of the family, due to fear of retaliation if they share their story.

Part I. Introduction

1.1 Thailand: Overview of politics and violence

Thailand has a population of around 66 million people dispersed over 77 provinces. Approximately 75% of the population is ethnically Thai, followed by Chinese (14%), Malay (3%) and the remainder being mainly Hill Tribe communities. The majority religion is Buddhism and Thai is the official language.

Thailand's path toward democracy has been complex. While officially a constitutional monarchy since 1932, Thailand's political history has been dominated by the military. Thailand has had brief periods of democratically elected governments, the first period being between 1973 and 1976. The most recent military coup, took place shortly into Prime Minister Thaksin's second term in late 2006. Political power struggles have mired Thailand's politics since then. Thaksin's sister, Yingluck, won the election which took place in early 2011.

There have been four main periods of political protest and extreme state violence - the protests of 1973, October 1976, May 1992 and the more recent political violence that has played out since 2006 in the form of the "red shirt" and "yellow shirt" protests. In all cases the state has used excessive force to silence the protesters. Other groups demanding their rights or voicing their political views, such as the northern farmers, the Communist Party of Thailand and environmental activists have been met with state violence. All of these groups have used largely peaceful methods to make their demands. The only long running political violence in Thailand, takes the form of an armed insurgency involving opposition to the Thai state in southern Thailand. This violence is not supported by the majority of the Malay Muslim population, but appears to involve a sector of this community.

Perhaps to contain these divergent voices and to promote nationalism, governance in Thailand has been typically highly centralized, though the 1997 Constitution distributed power to some extent, giving local administration more freedom and responsibility. Local administrative councils were now formed through direct elections. While this did move some of the power from the centre to the provinces, it also had the impact of increasing the importance of local elections in relation to national politics. With local elections taking on greater importance, there have been 481 assassinations of local politicians between 2000 and 2009.² These killings peaked in 2003 and again in 2005. The highest number of such killings occurred in March 2003, just one month after the Thaksin Government announced its war on drugs. The other peak period, 2005, was the year of the general election and also elections to local administrative councils.

Nation building under both authoritarian military-governments and democratically elected governments, centering around nationalism and Buddhism, has left little space for Thailand's minority populations to identify as Thai. These populations, who often reside in the border regions of the

² Nattakorn Vititanon, *Assassination and Local Thai Politics* (2000 – 2009), presented at the 11th Political Science and Public Administration National Conference (2010), 25 November 2010, College of Politics and Governance, Mahasarakham University. <http://prachatai.com/journal/2011/03/33416>

country, find themselves politically, socially and economically marginalized. This marginalization, both through legislation and attitudes, renders these populations vulnerable to a wide range of human rights violations which are often perpetrated with impunity.

1.2 The context in Thailand's regions

Northern Thailand is made up of nine provinces including Chiang Mai, Chiang Rai and Mae Hong Son which share borders with Myanmar and Laos. 78% of this region is covered by mountain ranges and industries include manufacturing, agriculture, fisheries and mining. This region is home to numerous ethnic groups of which the largest groups are the Karen, Hmong, Lisu and Lahu, in addition to the local Lanna population. These communities, known as 'Hill Tribes', are often distinct from the Thai population as a result of their geographical locations, their culture, language and religious beliefs.

Many within these communities have only recently gained Thai citizenship and many continue to be denied citizenship. The result is that members of Hill Tribes find themselves treated unequally, regardless of their citizenship status. Hill Tribe communities are frequently excluded from the design of policies that affect their community. They are also denied access to resources including health care and education and frequently find themselves accused of crimes such as forest destruction, illegally occupying the land and drug dealing based on little more than stereotyped assumptions made by law enforcement officers. In May 2002, 1,243 villagers from Mae Ai were *de-registered* as citizens and forced to return their identity cards by the District Chief. The Administrative Court overturned the actions of the District Chief in 2004, however, the villagers were then forced to go through the arduous process of re-registering. Arbitrary decisions, such as this, reflect officials' attitudes toward Hill Tribe communities and also the power the Thai state holds over the livelihoods of these people.

Hill Tribe communities often live in mountainous border lands which have in the past been used for growing opium and as routes for drug smuggling. The perception within the general public is that these communities continue to be involved in drug trafficking. This is an attitude that is nurtured by official propaganda and the media. Former Human Rights Commissioner, Wasan Panich found that



during the war on drugs ethnic communities were targeted despite the security forces finding no evidence of drugs during searches.³

Ongoing land disputes create insecurity in the villages, with the Government frequently supporting investors who occupy community land, rather than the communities. To this end government authorities have used aggressive methods to evict, arrest and pursue cases against villagers who occupy land outside forest reserves. The communities' sometimes limited ability to fully understand the Thai language as well as administrative and criminal justice processes, places them at a significant disadvantage in dealings with officials. These factors increase the likelihood of members of Hill Tribe communities experiencing serious human rights violations. In addition the presence of the Royal Thai Army and the Border Police Patrol, along the border areas, particularly with Myanmar, combined with periods of martial law, significantly increase the likelihood of human rights violations taking place.

Northeastern Thailand, also known as Isaan, is made up of 20 provinces and borders Laos and Cambodia. The Isaan dialect is the most common language used in the region and the population is dominantly Buddhist. Agriculture is the primary industry, however production is low due to low soil fertility and limited rainfall. As a result the Isaan region is particularly affected by poverty. Since the first National Economic and Social Development Plan in 1961, Isaan was designated as a raw material production area, which led to major deforestation and the use of farm land for cultivation of industrial crops for export. The geography of the region also lent itself to damming for electricity production. While economically benefiting owners of businesses and corporations outside of Isaan, these industries have resulted in shortages of land and environmental pollution. This has brought the local population into conflict with industrialists and the government, which officially supports industrialization in the region. Local activists have been working to limit large-scale development projects – including mines, dams, factories and industrialized farming for over two decades. These activists face threats, trumped up legal charges and extrajudicial killings at the hands of government officials and private industry.

Like elsewhere, Isaan has also seen the misuse of drug related policies to target particular individuals who find themselves killed or disappeared. Kalasin province has become infamous for its violent and illegal crackdown on people labeled as suspected drug users. In many cases in Isaan, it is local disputes, rather than drugs, which is the real cause of the attack. Violence is also heightened in Isaan as a result of the national importance of local politics, where local power struggles or disputes take on a larger meaning as they can affect national political power.

Western Thailand is made up of five provinces including Tak and Kanchanaburi and shares a long border with Myanmar. In addition to the Thai nationals who live in the region there are large numbers of documented and undocumented migrant workers and also approximately 140,000 refugees from Myanmar. The economy is dominated by labour-intensive industries such as plantations, canning factories, mills, garment production and mining. It is these industries which have attracted large numbers of migrant workers. The workers, whether legal or illegal, are vulnerable to human rights violations as the legal framework does not provide the same protections as it does for Thai citizens, some officials have exploitative and derogatory attitudes toward them and they often cannot speak the

³ Wasan Panich, quoted in Attapong Saksanguanmanoon, *Hill tribes and the re-birth of government policy to crackdown on drugs: Life can be lifeless*, 24 March 2008 (www.prachathai.com).

Thai language. As a result they experience extortion, threats, arbitrary detention, deportation, beatings, rape, killings and disappearances at the hands of officials, people smugglers and employers. Those entering Thailand via the services of agents, or people smugglers, are vulnerable as a result of illegal relationships the smuggler has established with local officials, which sometimes go wrong. Migrants and refugees, who have represented their communities' demands for rights, have found themselves targeted and sometimes killed as a result of their activism. Like all regions of Thailand, western Thailand has employed anti-drug policies. Drug use and trafficking has been particularly targeted in provinces, such as Tak, which share a border with Myanmar. This has resulted in the extrajudicial execution of individuals, including those with no association with the drug trade. In October 2010, the Thai Government approved a plan to establish the Mae Sot – Myawaddy Special Economic Zone as an attempt to address some of the ongoing security and migration issues along the shared border.

Southern Thailand is made up of 14 provinces and several share a border with Malaysia. This report focuses on the southernmost provinces of Narathiwat, Pattani and Yala. Historically these provinces were part of British Malaya, but were annexed to Thailand in 1909. Today, 80% of the population of these three provinces is Muslim; they prefer to speak Malay and identify as Muslim Malay. Rubber tapping and production dominates the economy in southern Thailand. Over the past decade, economic growth in the region has been low. Education indicators are also lower than national averages and Thai language proficiency is extremely low.

Academic, Duncan McCargo,⁴ characterizes the Siamese occupation of Patani Darussalam as a form of colonization in which Bangkok pursued a policy of assimilation and standardization, making few concessions to the distinctive history and character of the region. Like the rest of Thailand, the Southern border provinces were administered by the highly centralized government in Bangkok. The region has a long tradition of resistance to the rule of Bangkok. Under the Prem Tinsulanond government (1980-88), an agreement was reached which ended the violence, granting amnesties to former militants, and setting up a new security and governance arrangement in the area, coordinated by the Southern Border Provinces Administrative Centre (SBPAC). Though far from perfect, these policies pacified the violence for around two decades. During Prime Minister Thaksin's first term (2001-5), the security situation in the Deep South deteriorated sharply. Thaksin dissolved the special administrative arrangements and placed the highly unpopular police force in charge of security in the Deep South. These politically motivated policy decisions coincided with a sharp rise in militancy and reemergence of violent resistance to the Thai state, which continues today.

The Thai state's response under all subsequent governments has been highly militarized including the deployment of large numbers of troops, establishment of village defence forces and the imposition of martial law and a state of emergency. This approach, combined with insurgent violence and intimidation, has resulted in a civilian population characterized by fear and plagued with human rights violations. Arbitrary detention, torture, extrajudicial killings and disappearances have all become common experiences in the south.

Part II. The international legal framework related to enforced disappearances

⁴ Duncan McCargo, *Tearing Apart the Land: Islam and Legitimacy in Southern Thailand* (Singapore: NUS Press, 2009).

The International Convention for the Protection of All Persons from Enforced Disappearances (Disappearances Convention) defines the act of enforcedly disappearing a person as a human rights violation under international law. The Convention was adopted by the United Nations General Assembly on 20 December 2006 and entered into force on 23 December 2010. As of January 2012, it had been ratified by 31 countries.

The Convention defines an enforced disappearance as,

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law;⁵

and states that there are no exceptional circumstances which may be invoked as justification for perpetrating an enforced disappearance.⁶

The Disappearances Convention requires state parties to define enforced disappearance as a criminal offence.⁷ It affirms that no person shall be held in secret detention and sets out detailed legislative requirements in regard to deprivation of liberty.⁸ The Convention requires state parties to bring to justice those responsible for enforced disappearances, including those who ordered or had knowledge that subordinates were committing the crime.⁹ The Convention requires state parties to promptly and impartially investigate complaints related to enforced disappearances, even where there has been no formal complaint, and to ensure the complainant, witnesses and relatives of the disappeared are protected from ill-treatment or intimidation.¹⁰

The Convention guarantees victims' rights. It defines victims to include anyone who has suffered harm as a direct result of an enforced disappearance. It includes the right to truth, as well as the right to reparations including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.¹¹

The Rome Statute, establishing the International Criminal Court, further includes enforced disappearance as a crime against humanity, when it is carried out as part of a widespread and systematic attack directed against a civilian population, with knowledge of the attack.¹²

While Thailand has not ratified the Disappearances Convention enforced disappearances usually involve the violation of several human rights contained in the International Covenant on Civil and

⁵ Disappearances Convention, Article 2.

⁶ Disappearances Convention, Article 1.

⁷ Disappearances Convention, Article 4.

⁸ Disappearances Convention, Article 17.

⁹ Disappearances Convention, Article 3 and 6.

¹⁰ Disappearances Convention, Article 12.

¹¹ Disappearances Convention, Article 24.

¹² *Rome Statute of the International Criminal Court*, Article 7(i).

Political Rights to which Thailand is a state party. These include the right to life, the prohibition on torture and cruel, inhuman, and degrading treatment, the right to liberty and security of the person, and the right to a fair and public trial.¹³

Part III. The crime of enforced disappearances in Thailand

3.1 The history and context of enforced disappearances in Thailand

Thailand has a decades long history of state violence and authoritarianism. Enforced disappearances take place in this context and cannot be divorced from the broader, often violent, political context. Since at least the 1950s, enforced disappearances have taken place alongside a range of very serious human rights violations such as extra-judicial killings, arbitrary detention, torture, threats and intimidation. Enforced disappearances should therefore be viewed as one manifestation of the violent methods employed by the Thai state to stamp out dissent or to eliminate suspected criminals outside of the rule of law.

Laws codifying immunity of state officials, a politicized and sometimes weak criminal justice system (including the police, the Department of Special Investigations and the judiciary) and a concerning lack of political will have resulted in impunity for security officials who are directly responsible or bear responsibility through chain of command for these serious crimes. Decades of impunity have created a context in which administrative and security officials, know that their illegal actions are condoned by the state and the likelihood of punishment is extremely low. They are therefore free to use extra-legal methods in their implementation of government policies or to settle more personal local disputes. As a result, enforced disappearances, along with extra-judicial killings, arbitrary detention, torture, threats and intimidation, have become legitimized as necessary and appropriate extra-legal methods of policing the Thai state.

Enforced disappearances have been recorded since the 1950s. Teiang Sirikhan, member of the House of Representative of Sakonnakorn province, who sympathized with Pridi Banomyong and was a member of the Free Thai Movement during the Second World War following the occupation of Thailand by Japan, was disappeared on 12 December 1952. His car was found at a forest in Kanjanaburi province. The investigation report of Royal Thai Police, after the term of Prime Minister, Pol.Gen. Pao Sriyanond, stated that police had taken him to a house and tortured him until he died. A witness reported that his body was burnt and buried in Ladya, Kanjanaburee province and left his car in that area.¹⁴ Five police officials were accused of murder: Pol.Maj.Gen Pad Tungkhasamit, Pol.Maj.Gen.Thom Jitwimon, Pol.Lt Jamrast Yimlamai, Pol.Lt. Thanu Pukjaidee and Pol.Sgt. Nab Nimrat. The court verdict in 1961 sentenced three of the accused to death: Pol.Maj.Gen Pad Tungkhasamit, Pol.Maj.Gen.Thom Jitwimon and Pol.Sgt. Nab Nimrat. Pol.Lt Jamrast Yimlamai and Pol.Lt. Thanu Pukjaidee were acquitted.

¹³ Human Rights Watch, *It was like suddenly my son no longer existed*, March 2007, 52.

¹⁴ Chit Wiparttawat, *The Confession of Pol.Gen.Pao*, Prea Pittaya Press, Pranakorn, 1960, 205-456.

In 1954, Porn Malitong who was a politician in opposition of Pol. Gen. Pao Sriyanond's administration was disappeared on 24 March 1954. Chit Wiparttawat wrote that Porn had been detained at a house in Bangkok, where he died and that Porn's body was thrown into the Chaopraya River with his car.¹⁵

In 1954, Haji Sulong Tomina was disappeared, allegedly drowned by police officers from Phao District in Songkhla lake in southern Thailand. Haji Sulong Tomina had studied in Mecca for 20 years and on his return to Thailand in 1927, he founded an Islamic school and became a religious and cultural leader opposed to the cultural policies of Thailand's then Prime Minister Field Marshall Pibunsongkhram.¹⁶ In 1947, he submitted a seven-point plan on governance in southern Thailand which related to self-governance and religious and cultural freedom. He was found guilty of treason and detained between 1948 and 1952, after which he was released but kept under constant surveillance by the police. In August 1954, he and his eldest son, who was his translator (as Haji Sulong could not speak Thai), were invited to meet with Police Lieutenant General Boonleurt Leurtpreecha, the Songkhla Chief of Police. He has not been seen since the date of the meeting, 13 August 1954, when he was last seen in the company of an armed policeman at a mosque in Hadyai district of Songkhla, by the caretaker of the mosque. There has been no police investigation into the suspected enforced disappearance of Haji Sulong and his son.¹⁷ The Government officially refused to accept responsibility. However, after Haji Surong and his eldest son were disappeared Prime Minister Field Marshall Pibunsongkhram's wife, Lady La-eaid Pibunsongkhram, visited Haji's wife and gave 5,000 Baht compensation per month and scholarships to his children.¹⁸

In the 1950s and 60s the Thai Government suppressed the Communist Party of Thailand (CPT). For example, Jit Phumisak, leftist intellectual, who joined the CPT in 1965 was shot by police in Sakon Nakhon in 1966 on the side of a road.¹⁹ The suppression of alleged communists continued into the 1970s. Suppression of villagers and CPT activities had been underway for many years prior to the period of *thang daeng* (red barrel) killings which took place in Phatthalung, in southern Thailand, and allegedly in several other locations in the south beginning in August 1972. Using interviews and analysis of archived news reports from the 1970s, Haberkorn reveals the abuses that took place.²⁰ In 1971, Field Marshall Praphat Jarusathien stated that all traces of communists and communism would be eradicated from Thailand. A village defence volunteer in Patthalung used this order as cover for creating the impression that communist activities were rife in the area. Villagers were then asked to inform which of their neighbours and colleagues were communists. Simultaneously sweep operations took place in which large numbers of villagers were arrested. Once detained the villagers were accused of plotting or committing crimes against the Thai state, interrogated and frequently tortured. Some

¹⁵ Chit Wiparttawat, *The Confession of Pol.Gen.Pao*, Prea Pittaya Press, Pranakorn, 1960, 335-388.

¹⁶ Baker, C, Baker, C.J., and Phongpaichit, P., *A History of Thailand*, Cambridge University Press, Cambridge, 2009, 297.

¹⁷ Thanet Arpornsuwan, *History of the Theory of Separatist Movement in Southern Thailand*, Southeast Asian Study Program, Thammasat University, 2006, 113.

¹⁸ JPF interview with Dr Petchdow Tomena, (Haji Sulong's granddaughter), February 2012.

¹⁹ Baker, C, Baker, C.J., and Phongpaichit, P., *A History of Thailand*, Cambridge University Press, Cambridge, 2009, 297.

²⁰ This section summarizes the findings of Haberkorn, Tyrell, Forthcoming 2012, "Getting Away with Murder: State Violence and Impunity in Phatthalung," in *State Violence and Transition in East and Southeast Asia*, Edited by Sung Chull Kim and Narayan Ganesan. Lexington: University Press of Kentucky.

detainees were then placed in oil drums, covered in oil and burned alive. The security officials denied the detentions and destroyed the physical evidence of the person. Students and villagers estimate that 3,000 people were killed in this way in Patthalung alone. The selection of those to be arrested, detained and killed was arbitrary. Those who worked for justice and drew public attention to the killings, received serious threats. However, their efforts lead to an investigation under the new democratic government in 1975, which found that Thai security officials were responsible for the murder of 300 Thai citizens. However, no action was taken, citing the need to maintain moral of the security forces.

Haberkorn²¹ also documents state violence in the north of Thailand in the 1970s. Following the protests of October 1973, which ushered in a new democratic order, space opened up for political participation by a wide range of previously silenced actors, including farmers. As a result of their activism, a Land Rent Control Act was introduced in 1974. However, as farmers demanded its implementation they found themselves targeted by the state which used strategic assassinations to instill widespread fear. Haberkorn finds that “[b]etween March 1974 and September 1979, thirty-three farmer leaders were assassinated, eight were seriously injured and five were disappeared”.²² Assassinations were particularly high in Chiang Mai province. Many believe that a right-wing para-state group – Nawaphon, was responsible for the assassinations, though, bar one, no assassin has been named and no prosecutions have taken place.

Not only were the killings in Patthalung and Chiang Mai themselves serious violations of human rights, but the impunity that followed seemed to weaken the rule of law in Thailand and has created the environment today, in which security officials view the killing of civilians as a legitimate method of policing.

The killings in the north and south took place in a period of political unrest, as right-wing officials sought to retake control of the Thai State. In September 1976, students and others protested the return of Field Marshal Thanom Kittikachorn who had been a military ruler ousted in 1973. On 6 October 1976, state and para-state forces attacked the protestors arresting up to one thousand, injuring hundreds and reportedly killing up to 100 people.²³ A military coup took place simultaneously. No one has been held accountable for these killings and the events of 6 October remain veiled in silence. A memorial has been established on Ratchadamneonok Road to commemorate the events of 14 October 1973 by the Government, under the 14 October Foundation.

Periods of military rule and military coups continued to dominate Thai politics. It was under the National Peace Keeping Council-military government that in June 1991, Tanong Pho-an was disappeared. At the time of his disappearance, Tanong Pho-an was a senator, President of the Labour Congress of Thailand and Deputy Chairman of the International Council of Free Trade Unions Asia-Pacific Regional Organisation and was campaigning against the military-government’s dissolution of

²¹ Haberkorn, T., “An Unfinished Past: Assassination and the 1974 Land Rent Control Act in Northern Thailand”, *Critical Asian Studies*, 41:1 (2009), 003-035, Routledge.

²² Haberkorn, T., “An Unfinished Past: Assassination and the 1974 Land Rent Control Act in Northern Thailand”, *Critical Asian Studies*, 41:1 (2009), 003-035, Routledge.

²³ Puey Ungphakorn, “Violence and the Military Coup”, *Bulletin of Concerned Asian Scholars*, Vol. 9, No. 3, July-September 1977.

state enterprise labour unions.²⁴ Prior to his disappearance Tanong received threatening phone calls, told colleagues he believed he was being followed and was ordered by the Ministry of Interior to not attend the annual meeting of the International Labour Organisation in Geneva. He was last seen by a colleague leaving his office on the evening of 19 June 1991. Tanong was an insulin-dependent diabetic and did not have his medication with him at the time of his disappearance. The following morning his car was found parked at a strange angle on the curb in front of his office with what appeared to be footprints of army boots on the backseat. Tanong has not been seen since. The then-military government denied any involvement in his disappearance.

In 1993, the Thai Parliamentary Committee on Justice and Human Rights, which reviewed the case and heard testimony from academics and police witnesses concluded that the probable cause of Tanong's disappearance was his conflict with the military-government but said it found no new information and refused to make its report public. The Parliamentary Committee on Labour and Social Welfare also conducted an investigation but it was not made public. In June 2000, access to these two reports was requested under the Official Information Act but access was denied on the grounds that release of the information would have an impact on others. In October 2001, the Government of Thaksin Shinawatra ordered the newly established Independent Committee for Investigating Missing Persons and Paying Compensation to the Victims of the Black May Events of 1992 to also investigate Tanong's disappearance.

One year after Tanong's disappearance, mass protests against the National Peace Keeping Council took place in Bangkok. After General Suchinda Kraprayoon, leader of the February 1991 military coup, was appointed Prime Minister in April 1992, pro-democracy protests began and continued to grow in size. After negotiations between the Government and opposition parties broke down on 17 May a large opposition rally took place. The security forces followed a policy of use of excessive force in their response to the rally. National and international human rights organisations active in Thailand at the time documented summary executions, unnecessary and disproportionate use of lethal force, violations of medical neutrality and removal of bodies without proper inquest or autopsy procedures.²⁵ Officials reported that 56 people were killed, 696 injured and 175 remained missing, however, unofficial reports were considerably higher.²⁶

There is no evidence to suggest that the missing were being held in secret army detention. Rather there is evidence indicating that officials piled dead bodies onto trucks and disposed of them in a clandestine manner. Despite rumours and some solid leads, 20 years later the remains of those missing after the crackdown have not been located. The failure to locate the remains and to attribute responsibility for the deaths, is largely due to efforts by various Governments and individuals to ensure the truth is not revealed. The UN Working Group on Enforced and Involuntary Disappearances has accepted 31 cases of enforced disappearances which took place during the violent crackdown by security forces in May 1992.²⁷

²⁴ Bangkok Post, *Tanong Mystery*, 21 November 2001.

²⁵ Amnesty International, *The Massacre in Bangkok*, September 1992 and Physicians for Human Rights and Asia Watch, *Bloody May: Excessive Use of Lethal Force in Bangkok: The events of May 17-20, 1992*, October 1992.

²⁶ Amnesty International, *The Massacre in Bangkok*, September 1992.

²⁷ UN Working Group on Enforced and Involuntary Disappearances, E/CN.4/2002/79, 18 January 2002.

Several governmental, parliamentary and non-governmental investigations took place. Dr Pradit Charoenthaithawi, who was responsible for investigating the missing, wounded and killed under government investigation stated that he had been told by military officers that the bodies were buried at military bases. He and his family received serious threats and he resigned. None of the official reports appointed individual responsibility. This, along with the amnesty decree issued by General Suchinda on the eve of his resignation, made truth seeking and prosecutions impossible. The new Prime Minister Anand did however remove the three top military officials from active positions and also abolished the Internal Peace-keeping Law.

A Committee, the Independent Committee for Investigating Missing Persons and Paying Compensation to the Victims of the Black May Events of 1992, was established in October 2001, under the democratically elected Prime Minister Thaksin. The Relatives of May 1992 have tried to encourage the Government to establish a memorial monument for the events of 1992 on Rajchadamneonnok Avenue near the lottery building. They were provided with land by the Government but no budget to build the monument. While families have received some compensation, the relatives of the missing continue to await truth, justice and reparations.

This brief historical overview of state violence in Thailand's recent history reveals patterns of killings, detention, torture, disappearances and threats, which continue to be used today by Thailand's security forces. Individuals and communities who challenge the government's policies and laws, find themselves threatened, detained, tortured and sometimes killed or enforcedly disappeared. Excessive force is used against peaceful protesters resulting in killings, injuries and rendering large number of people missing and disappeared. Arbitrary decisions by security forces regarding an individual's association with groups challenging the government lead to arrest, detention, re-education, torture and death. These actions are all violations of human rights. This history of ignoring the rule of law has created an environment where the rule of law has little value in Thailand; human rights violations are condoned and impunity is entrenched.

3.2 Contemporary victims of enforced disappearances

In the past decade, there are two official state policies which have directly contributed to the creation of an environment in which enforced disappearances, and other serious human rights violations, take place. These are (i) the highly militarized counter-insurgency approach adopted in southern Thailand by various governments, beginning in 2001 under the Thaksin Administration; and (ii) the war on narcotic drugs policy implemented by Prime Minister Thaksin in 2003, and having lasting impacts well beyond the end of the official policy period.

Counter insurgency in southern Thailand

Political violence in the south began once again to take place around 2002. This coincided with the appointment of Prime Minister Thaksin and his change in policy toward the management of the south, including the dissolution of special administrative arrangements and increasing the security role of the Royal Thai Police. The attack on the military barracks in Chaoirong district in Narathiwat and the associated gun robbery on 4 January 2004, is frequently referred to as the beginning of the current period of violence in southern Thailand, though violence had begun to re-occur in the years before.

Since then insurgents have used armed violence to weaken and challenge the Thai state. The state has responded with military force that is frequently abusive. The insurgents are frequently responsible very serious crimes including homicide. While violent incidents were more frequent in the first two years of the insurgency; the numbers of injured and killed has remained reasonably stable, with significant peaks in 2004 and 2007.

In March 2005, Prime Minister Thaksin established the National Reconciliation Commission with a mandate to give recommendations to the government on policies, measures and mechanisms conducive to reconciliation and peace in the three southern border provinces. The NRC made its conclusions public in May 2006, and identified a series of measures to put an end to violence in the southern provinces, including the need to engage with the militant groups; establish an unarmed peace unit to work on peace building; address impunity for human rights violations; increase autonomy for local resource management; increase economic opportunities and address unemployment; reform and improve the administration of justice; improve quality and diversity of education; promote cultural diversity; and establish bodies to ensure local participation in decision making. However few of these recommendations have been seriously implemented.

After the 2006 military coup, the military-government established a new structure involving ISOC, SBPAC and the joint Civilian-Police-Military (CPM) taskforce in the region, making ISOC and the National Security Council responsible for security. From 2007, abuse of power and violations of human rights once again began to rise, as did complaints to local lawyers and NGOs who themselves have reported an increase in threats and attacks.

The policies employed in the south in response to the violence have been similar under all governments since the resurgence of the violence in the south. Three of these policies have specifically contributed to an environment in which disappearances take place: (i) the emergency legislative framework; (ii) surrender programmes; and (iii) militarized responses including creation of civilian defence forces.

Firstly, the emergency legislative framework applied in southern Thailand, removes policing from protection of the rule of law. Detention related provisions, in particular contribute to the possibility of enforced disappearances taking place. Martial law, which has been in force in the south for the longest of the laws, allows for detention of up to seven days for interrogation without a warrant, does not require judicial review and denies the right to challenge the detention, including that through *habeas corpus* writ. The ICJ has found that the site of detention is often undisclosed with detainees often held in military bases or other *ad hoc* locations.²⁸ Many of the cases of disappearances described below may have begun as arbitrary detention under the Martial Law. While this law remains in force disappearances are likely to continue in Thailand.

Thailand's Emergency Decree (Decree on Government Administration in Emergency Situations) issued by Prime Minister Thaksin in July 2005 allows for detention with a court warrant, but without criminal charges, for up to seven days, renewable for up to 30 days. In practice the court warrant is easily secured and provides a limited check on what is potentially arbitrary detention. Emergency Decree

²⁸ International Commission of Jurists, *UPR Submission*, March 2011.

detainees have a right to appear before a judge every seven days to challenge the necessity of their detention, however, detainees are rarely brought before the court in practice. Like the Martial Law, the Emergency Decree creates a detention scenario in which individuals can be tortured without knowledge of the outside world and provides a time period of seven to 30 days in which a disappearance or killing could take place without attracting attention. Furthermore, under the Emergency Decree, law enforcement officials are immune from civil, criminal and disciplinary penalties for acts performed in good faith, thus the law can be misused to protect officials from prosecution for human rights violations. This contributes to creating an environment in which officials are unlikely to expect repercussions for violations. This decree has been applied in the south every three months since its first application in July 2005.

The Internal Security Act allows for a person to be “ordered by a Court to be detained in a military training camp for up to six months, without any requirement of pending criminal charge or conviction”.²⁹ To date, the ISA has been applied in four districts of Songkla since November 2009. The Criminal Procedure Code has been amended to include “terrorist acts” in its list of offences. In addition, the Criminal Procedure Code allows an individual to be held in custody for up to 84 days, pursuant to a criminal charge, for the most serious offences. The ICJ has found that some detainees are held in pretrial detention for several years.³⁰ The lack of checks and balances regarding detention under these laws directly contributes to the ease with which enforced disappearances take place in areas where they are in force. The case of Mr Muhammad Saimee Kuna demonstrates the potential implications of this range of detention-related legislation to lead to enforced disappearances. In July 2005, Muhammad was reported enforcedly disappeared, however, he was later found detained at Pattani Central jail, under a Criminal Code warrant. Furthermore, “good faith” clauses contribute to impunity for carrying out enforced disappearances.

Secondly, the Government has initiated several programs to encourage suspected insurgents to surrender. Individuals are “invited” by security forces to meet with security officials or report to a military barracks. According to authorities, the main purpose of the surrender policy is intelligence gathering.³¹ All those surrendering are interrogated about their previous activities, contacts, as well as their ideological leanings. Between October 2009 and 21 September 2011 the Yala Outreach centre reported that 410 people had surrendered.³² According to an army official, an estimated 50 people surrender each month with three categories of suspects. The first group is those with outstanding arrest warrants under the Criminal Procedure Code. If suspects agree to surrender they are granted access to a lawyer and the possibility of bail. Once released, a close-eye is kept on their movement and they are requested to gather intelligence. Suspects in the second group are those who are considered national security threats and warrants for their arrest may have been issued under the Emergency Decree. After surrendering, they are forced to undergo ‘re-education’ training for one month. They usually are then free to return home, however the authorities expect that they will continue to cooperate with them. The third group is those on government blacklists who are considered to be insurgent sympathizers or supporters but are not known to have committed a crime and do not have a pending warrant regarding

²⁹ International Commission of Jurists, *UPR Submission*, March 2011. See Section 21 of the ISA.

³⁰ International Commission of Jurists, *UPR Submission*, March 2011.

³¹ JPF interview with senior members of the Royal Thai Army in southern Thailand, May 2011.

³² http://province.prd.go.th/yala/yalanew/index.php?option=com_content&view=article&id=64:---14---&catid=1:2009-09-10-14-18-50&Itemid=3

them. They are detained for re-education for around 7 to 10 days upon surrendering. Villagers usually learn that they are invited to meet with security officials or required to attend training by receiving a letter from the Government inviting them or they are informed by the village headman.

In five cases documented by JPF an individual was disappeared after being invited by the security forces to meet with them, and where subsequently the individual was forced or agreed to go with them. These are:

- Ya Jae-Dorlor and Wae-harong Rohing were invited in March 2002 by a man known as Do-lah Roying on behalf of the police, to report to the Muang District Police Office in Yala. They left home for the meeting and never returned and Do-lah was found shot dead.³³
- Mayunit Loneeya had attended re-education in 2004 to have his name removed from a blacklist. In July 2007, he was “invited” to meet with the Subdistrict Head by officials. After leaving his home with the officials he was disappeared.
- Roosaming Samamae was “invited” by individuals in Ranger’s uniforms to meet their superior in March 2009 at his local mosque. A moment later, the same individuals forcibly took him and he was disappeared.
- Mayateng Maranor was “invited” by rangers from Task Force No. 41 for interrogation at Bang Lang Dam Army Base in Yala. He left with the rangers in June 2007 and then he was disappeared.
- Wea-asi Wea-su was invited by two security officials to provide information for an investigation at a police station. He left his house with the officials in November 2007 and was disappeared.

This pattern of disappearances following “invitations” creates significant fear in the Muslim community about responding to “invitations” by the security forces. The fact that the “invitations” fall outside of good practice in regard to arrest procedures, is contributing to creating space for enforced disappearances in the south.

Thirdly, all governments have employed a highly militarized response to the insurgency in the south. The Royal Thai Military has now deployed roughly 74,000 security officers in the south. Another 4,000 troops were recently approved for deployment by the Thai Government. The current plan of the army is to replace many of the regular troops stationed in the south of Thailand with locally recruited civilian forces that will eventually outnumber soldiers and paramilitaries. Since late 2007, the Southern Border Provinces Administration Center (SBPAC) in collaboration with the Department of Provincial Administration (DoPA) initiated a scheme to strengthen the existing civilian defence forces. The scheme is anticipated to pave the way for security operations to increasingly depend on civilian security forces. In doing so, the number of village headman assistants specialized in security affairs will increase from 1-2 to 5 for each village. They will operate together with the Volunteer Defense Corps (*Or Sor*) in taking command over Development and Self-Defense Volunteers (*Chor Ror Bor*) and Village Protection Volunteers (*Or Ror Bor*) in each village. It is estimated that each village force is to have at least 50 civilian security personnel, comprising five village headman assistants, five or six *Or Sor*, 30

³³ Southern Border Provinces Operation Center reply to The National Human Rights Commission letter no. Sor Mor 003/ 1603, 22 July 2011 and Sor Mor 003/ Po 389 , 8 September 2554.

Chor Ror Bor, and 20 *Or Ror Bor*. This means that the 2,050 villages in three southernmost provinces will be equipped with their own village force, therefore the quantity of civilians participating in these forces could reach 102,500, or 5.7 per cent of the total population in Pattani, Yala, Narathiwat provinces. This expansion of civilian forces is accompanied with the supply of at least 15 firearms, in particular shotguns and rifles, to be distributed to each village force.

This policy of militarizing villagers is related to enforced disappearances in two ways. Firstly, some villagers who are members of the *Chor Ror Bor* have come under suspicion of association with the insurgents. This has led to killings of *Chor Ror Bor* members. This could potentially extend to enforced disappearances in the future. In the case of Abdulloh Hayimasalae, who was disappeared in June 2005, there was concern that his disappearance may have been as a result of suspicion of Muslim members of *Chor Ror Bor*.³⁴ Secondly, these individuals are often expected to provide intelligence on developments in their villages and surrounds. This results in them having a close relationship with the local security officials and sometimes knowledge of their activities. In some cases, individuals who essentially operate as “spies” for the security forces disappear. For example, Mayateng Maranor had regularly provided information to the security forces prior to his disappearances in June 2007. He was last seen being taken away by security officials who had requested he provide information on a recent arson attack on the village school. His whereabouts remains unknown.

JPF has documented 22 incidents of enforced disappearances, involving 33 people, which took place in southern Thailand between 2002 and 2011. JPF does not believe that this represents comprehensive documentation of all cases of enforced disappearance that have taken place in the south, for instance, in 2011, JPF documented a case of the disappearance of four young men which had taken place in 2007 and previously not been documented by any NGO. An overview of the findings is that:

- All victims are Malay Muslim men.
- 16 of these disappearances took place in Yala, 11 in Narathiwat and six in Pattani.³⁵
- Peaks in disappearances took place in 2004 (7), 2005 (7) and 2007 (8).
- Nearly 80% of victims were under 40 years of age and 45% were under 30 years of age.
- 54% were taken from a public location with evidence of involvement of the security forces, in what appear to be arbitrary arrests; 33% were arrested by officials from the victims home, place of work or mosque; and 13% of the enforcedly disappeared, voluntarily reported to the security forces immediately prior to their disappearance.

Three patterns of enforced disappearance are observed in southern Thailand. These patterns have not changed over time and while JPF has documented less cases of disappearances since 2008, all three patterns continue to take place. The patterns are: being taken from the street, arrested from home, work mosque, and voluntary reporting to security forces.

³⁴ Abdulloh Hayimasalae, was a former member of *Aor Por Por Ror* and *Chor Ror Bor*. He was disappeared from the street near where he was working as a motorcycle taxi driver, based at Yala train station. A witness came forward months later and said that on the day Abdulloh Hayimasalae was disappeared he saw a motorbike taxi driver from the Yala train station taxi group, with his paying passenger on the back, forced to stop by a couple of vehicles, before the motorbike and the two people were loaded into a truck.

³⁵ In one case the victim was last seen in Yala, however he lived in Pattani and was only visiting Yala for the day. His case is included with the Pattani cases.

Firstly, in more than half of the cases documented by JPF the victim(s) were taken from the road or at a checkpoint and never seen again. JPF has documented 11 incidents of this type of enforced disappearance which have resulted in the disappearance of 18 men between 2003 and 2009. Usually, the victim was taken alone, however, in two cases four young men were taken together and in one case two people were taken together.³⁶ In six of these incidents witnesses observed the disappearance. This usually involved pickup trucks, minivans or army trucks stopping the victim(s) and forcing the individual(s) into the truck – often taking the motorbike with them – and driving away. In three of these incidents, witnesses explicitly stated that the trucks belonged to the military and the individuals involved in the abduction were wearing uniforms. For example,

- Abdullah Eitae and his three friends were seen taken away by soldiers in military trucks at a military checkpoint which had been temporarily set up in Lammai on the road to Yaha, following violent incidents in Yaha district in 2005.
- Sata Labo, was stopped at a security checkpoint by the police in Narathiwat in 2004, they searched his car and told him to go to Narathiwat Police Station. He called his sister to tell her what was happening.
- Buruhum Ma-ela and Abdulmamun Abdullakim, were witnessed being stopped as two trucks blocked the road, when they were returning from Sungai Golook District in 2003 in Narathiwat. The two men and their motorcycle were seen to be loaded onto the back of the pickup truck. The witnesses at the local market did not intervene because they were afraid.³⁷
- Wae-harem Guwaagama was returning from the tea shop to his home (less than one kilometre away) when he was stopped not far from the tea shop and forced into a green pickup truck in 2006. There is a military checkpoint nearby at the Tambon Administrative Office of sub-district Bukit, Dho Airong district in Narathiwat. The military had been looking for him at the tea shop in the morning and a child reported he witnessed an individual being taken by the military at that time.
- Mr Ku-amad Ahbesen, Mr Weasainung Weana-wea, Mr Abduloh Salum and Mr Muhammad Senren were seen being followed by the police prior to their disappearance. The police were rumoured to be from Pakaharang District Police Station.

In 10 of the 11 incidents, there is evidence of the security forces showing interest in the victim(s) prior to his disappearance. In several cases the disappearance follows a specific security incident, or a general increase in violence in the area. For example,

- Doromea Jaelea, who was disappeared in Pattani in 2010, had been visited by army officers who asked him why he was on the blacklist and continued to visit his house each time there was a violent incident in the area. He had been asked to attend a government “training” course but didn’t attend as he was told it was canceled.

³⁶ Wandu Gazi, Abdullah Eitae, Eruan Masay and Manasay Lohlanay were taken together by men in military uniforms in 2007 in Yala; Mr Ku-amad Ahbesen, Mr Weasainung Weana-wea, Mr Abduloh Salum and Mr Muhammad Senren were taken together in Pattani in 2005; and Baruhum Ma-ela and Abdulmaman Abdullrakim were taken together in 2003 in Narathiwat.

³⁷ Human Rights Watch, *It was like suddenly my son no longer existed*, March 2007.

- Baruhum Ma-ela, who was disappeared in Narathiwat in 2003 with Adbulmaman Abdulrakim, was reportedly believed by police to have been involved in the shooting of a police officer known as “Se Deng” as another person had reported that he was involved. Baruhum had been invited to visit the police station.
- Wae-harem Guwaegama, who was disappeared in 2006 in Narathiwat, was reportedly believed by security officials to be a member of Jemaah Islamiya. They had arrested him one month prior to his disappearance and detained him for 12 days with five others. Soldiers stationed near Bukit Praha Upatham school had told him that he would be shot one day.
- Abdulloh Abukaree, who was disappeared in 2009 in Narathiwat, was protected under the Department of Special Investigations witness protection programme, however, after he returned to the south from Bangkok, the DSI did not provide him protection. In 2004, he was accused of involvement in the January gun robbery, he was tortured and detained in Bangkok. A case was brought against his torturers by Somchai Neelapaijit prior to the disappearance of Somchai Neelapaijit. Abdulloh’s wife was murdered one year after his disappearance. Their village is in the red zone so it is possible that he was taken by insurgents.
- Sata Labo, who was disappeared in 2004 in Narathiwat. His house was searched by the police one day prior to his disappearance. They claimed to be searching for guns in relation to the January gun robbery.
- Wae-Abdul-Wahae Baning’s family received a warrant for his arrest under both the Emergency Decree and the Criminal Code after his disappearance. He was disappeared in 2005 in Yaha, Yala.
- Arhamah Waedorloh, who was disappeared in 2005, was warned by security forces and a number of youths from his village in Muang Pattani that he had been placed on a blacklist. His disappearance followed increased insecurity and increased presence of security forces in the village, as well as an arson attack a few months prior to his disappearance.³⁸
- Sagariya Gahjeh, who was disappeared in Yala’s main city in 2003, had his home regularly searched by the police prior to his disappearance. His family believes they were targeted as a result of neighbors’ jealousy as they had contacts with officials.
- Mr Ku-amad Ahbesen, who was disappeared with Mr Weasainung Weana-wea, Mr Abduloh Salum and Mr Muhammad Senren, in Pattani in 2005, he had been charged and acquitted of murder of the son of a police officer. He was released on bail for the appeal process at the time of his disappearance.
- Wandi Gazi, Abdullah Eitae, Eruan Masay and Manasay Lohlanay, who were disappeared together in Yala in 2007, following an increase in violence in their village prior to the disappearance.

In these incidents there is evidence, in some cases very strong evidence, to suggest that the victim(s) was taken by the security forces. In all cases the families have made efforts to locate their relative, including official inquiries with the security forces. In all cases the detention of the individual was denied by the local officials concerned.

³⁸ See also Human Rights Watch, *It was like suddenly my son no longer existed*, March 2007.

Secondly, in one-third of the cases, the victim was arrested from his/her home or other location specific to the victim. JPF has documented nine incidents of an arrest immediately prior to a disappearance involving 11 victims. In ten of the eleven incidents eye witnesses stated that state security and/or administrative officials were present and involved in the arrest. In the remaining case the eye witnesses believed that security officials were involved in the arrest, but said the individuals were wearing black, rather than a police or military uniform. In all of the incidents no arrest warrant was shown to the victim prior to their arrest. All of the arrests took place after 5 p.m., with some taking place very late in the evening.

Four of the incidents of arrest leading to an enforced disappearance are very likely related to the gun robbery on 4 January 2004 in Choaiong district in Narathiwat in which around 400 weapons were stolen and four Buddhist soldiers killed. Prime Minister Thaksin imposed martial law and deployed 3,000 additional troops to the south. A seven-day deadline was set for the identification and capture of those responsible for the attack. Officials were mandated to make arrests without a court warrant.³⁹ This created an environment in which arrests took place with little investigation and those detained were tortured to extract confessions and information. Abdulloh Abukaree, whose disappearance in 2009 – as described above – was one of those detained and tortured after the gun robbery. The four cases likely to be associated with the gun robbery and documented by JPF are the following:

- Ibrohim Sae, who was disappeared on 27 January 2004 in Rangae district in Narathiwat, had been visited many times by policemen in uniforms and plainclothes prior to his disappearance who said they were looking for the stolen guns. On the night of his disappearance he was questioned about the stolen weapons by a group of 20 armed men, speaking with Bangkok accents, who then took him from the house.⁴⁰
- Musta-Sidin Maming and Wae-eso Maseng were arrested from Musta-Sidin's mobile phone shop on 11 February 2004 between 4 and 5 p.m. by a group of armed men wearing black shirts and driving a truck without licence plates. Human Rights Watch reported that a Narathiwat Senator informed the organization that at that time local Muslims who owned or worked as technicians in mobile phone shops in Narathiwat were being investigated because of concern that the mobile phone network around Narathiwat's Rajanakarin Camp had been deactivated before the 4 January attack. However, the wife of Musta-Sidin reported that she had been informed by a very senior person that the reason for her husband's disappearance was that the police had found a SIM card which had been used to trigger a bomb on 1 February at a supermarket. This SIM card, she said, was purchased from Musta-Sidin's shop. Thus the disappearance may be related to the local bombing rather than the gun robbery.
- Arun Mong, who was arrested from his new home in Sabayoi on 6 January 2004 at 5 p.m., had very recently moved there from Narathiwat. He was arrested by the village headman along with 4 or 5 armed men believed to be from the military forces. His relatives believed he may have been a suspect in regard to the gun robbery.
- Budiman Woni and Mr Imrohim Kayo, were arrested by police officers on 8 January 2004 in Bannang Sata district in Yala. Budiman was seen in the back of a police pickup truck with his hands tied behind his back at 2 a.m. by the wife of Imrohim as she witnessed her husband's

³⁹ For further analysis see International Crisis Group, *Southern Thailand: Insurgency, not Jihad*, May 2005.

⁴⁰ Human Rights Watch, "It was like suddenly my son no longer existed", March 2007.

arrest from their home. Budiman had left his home earlier that day with “Imron”, who was believed to be an army informant. While there is no direct evidence of this arrest being associated with the gun robbery, the timing of the arrest and the belief that Bannang Sata was a highly insurgent affected area, suggest there may be a relationship between the robbery and the disappearance.

Sata Labo’s abduction and disappearance described above is also part of the pattern of arrests and disappearances resulting from the Government’s response to the 4 January 2004 gun robbery.

Three of the incidents of arrest leading to an enforced disappearance documented by JPF, appear to be related to the post military-coup government policy in the south in 2007. In June 2007, the military announced its “Battle Plan for the Protection of Southern Lands” (*Phaen Yuttakarn Pitak Daentai*). This policy included cordon-and-search operations, mobile and fixed checkpoints, and military operations in remote areas. According to an army official, there are approximately 100 checkpoints spread throughout the southernmost provinces. The joint Civilian-Police-Military (CPM) task force is in charge of conducting the cordon-and-search operations which are meant to encourage suspects to surrender. Once information is received on suspects located in a particular area, a combined force of military, police and paramilitary close off the area and main road to the village and search all houses. Suspects are arrested during the operation and parents of those suspects who managed to escape are invited to a meeting in an attempt to convince them to surrender their children. Within the first three months of this operation, CPM carried out as many as 20 sweeping operations and detained more than 600 people. The Police Chief of Bannang Sata District, Sompien Akesomya, interpreted this policy locally as the “Battle to Protect Bannang Sata” (*Yuttakarn Pitak Bannang Sta*) and proceeded to order arrests of anyone suspecting of involvement in the insurgency. This led to the targeting of individuals with what appears as little evidence. JPF has documented three cases in Bannang Sata likely to be related to either the military’s “Battle Plan for the Protection of Southern Lands” or Sompien’s local implementation of the policy:

- Mayateng Maranor was disappeared in June 2007 in Bannang Sta district. He was a janitor at a local school who was known to frequently spend time with the rangers who had a base at the school where he worked, known as Task Force No. 41. He had been asked several times to provide information regarding violent incidents in the area. Two weeks prior to his arrest there was an arson attack on the school where he worked. Around 50 rangers from Task Force No. 41 cordoned off the village around 4 a.m. They then called Mayateng out of his house and proceeded to remain in front of the house until 12 noon, which is when soldiers entered his house confiscated some items and asked why Mayateng had let the school burn down. They also enquired about what his oldest son was up to. They then took him away for what they said would be 2-3 days of interrogation at Bang Lang Dam Army Base. The Task Force No. 41 registration records show him as entering and leaving on the day of his disappearance.
- Marudin Wava was arrested and was disappeared in August 2007 around 7.30 p.m. in Bannang Sata. He was a religious teacher and had graduated from a religious school in Indonesia. He was taken from his home without an arrest warrant by around ten people who identified him by name. His wife reported the perpetrators as military or paramilitary officers from Surat School.

- Wea-asi Wea-su was arrested from his home before he was disappeared. Two officers wearing green uniforms and caps, believed to be police, entered his house in November 2007 around 6 p.m. and arrested him without a warrant. It was reported that the same car used in his disappearance was seen in the village two or three days prior to the disappearance.

JPF has documented two additional cases of enforced disappearance that began with an arrest by officials from a location known to be frequented by the victim.

- Roosaming Samamae was disappeared from Reusoh district in Narathiwat in March 2009. There had been increased violence in Reusoh prior to his disappearance. He was a member of the Tambon Administration Office and other leaders had been arrested before Rosaming was disappeared. Soldiers at the Suwahri Army base had warned his sister “You need to be really careful”, which was perceived by the family of Rosaming as a threat. Around 8 p.m., three men wearing a ranger uniform and a balaclava, carrying military weapons and speaking in Thai, sought him out at the village mosque, arrested him and drove away in a pickup truck with no license plates. The perpetrators stated that their superior wanted to talk to him. Witnesses reported him calling out for help as he was arrested. His wife reports that she contacted by phone soon after and during the call he also said “help me, help me”.
- Mayunit Loneeya was disappeared at around 8 p.m. in July 2007 in Raman district in Yala. Mayunit had attended a re-education course run by the army in 2004, because he had been on a blacklist. The soldiers had come to his house to inform him he should attend the course. Around eight people came to his house to arrest him, including members of the village defence committee, the Tambon Administration Head and the village headman. They informed him that the Subdistrict Head wanted to ask him some questions because he had recently arrived in the area. While there is clear involvement of government officials in Mayunit’s disappearances, it is unclear if the disappearance was related to the armed insurgency in southern Thailand. It is possible that his disappearance was related to a dispute within the village.

In all incidents family members have attempted to locate their relatives and in all cases the authorities have denied knowledge of their whereabouts.

A third pattern of disappearance has also been documented by JPF in which individuals voluntarily meet with security officials immediately prior to their disappearance. One such incident, involving two victims, took place in April 2011 in Bannang Sata in Yala and a second incident, also involving two victims, took place in March 2002 in the main city of Yala. This pattern creates uncertainty regarding security for those who are “invited” to surrender themselves to security officials.

- Ya Jae-dorlor and Wae-harong Rorhing were disappeared in the city of Yala in March 2002. The wives of both men reported to Human Rights Watch that both men had received phone calls from a man known as Do-lah, calling on behalf of a police officer, on the day of their disappearance telling them to go to the Muang District Police Office in Yala. Ya said that Do-lah specifically wanted to talk to him about the shooting of police officers in Bannang Sata a month earlier. Both men had provided information to him before and neither was worried about their visit to Yala city. HRW learned that Ya was suspected in connection with the attack on the police officers.

- Dolhami Marea and Ibroheng Karhong were disappeared in April 2011 after reporting to the Naresuann Border Patrol Police Camp in Bannang Sata in Yala. They were last seen going into the camp voluntarily around 5.30 p.m. to retrieve Ibroheng's boat. The Border Police had visited the house of Ibroheng earlier in the day and confiscated the boat. It was reported to JPF that the police at Banang Sata believed they were involved in insurgent activity because they were found to purchase a lot of food each day and have many visitors at their homes. More recently the police found an electric saw which they believed was possibly used to cut trees to obstruct the roads. The governor of Yala has stated to JPF that the men are dead, but provided no evidence for such statement.

Despite efforts by the families of these men to locate their relatives, security officials have denied knowledge of their whereabouts.

Information is available regarding treatment of those detained by the security forces in southern Thailand in relation to security issues, which may shed some light on what happens to victims of enforced disappearances following the disappearance. Amnesty International has documented in detail cases of torture in southern Thailand finding that "people are being brutally beaten, burnt with candles, buried up to their necks in the ground, subjected to electric shocks and exposed to intense heat or cold".⁴¹ Individuals have also allegedly died in custody as a result of torture, such as Assaree Sama-ae and Imam Yapha Kaseng. Amnesty International found that torture is used to obtain information, extract confessions and "intimidate detainees and their communities into withholding or withdrawing support for the insurgents".⁴² This may suggest that victims of enforced disappearances have been tortured, died and their body disposed of by the security officials to hide the evidence of their crime.

The case of Dr Waemahadee Wae-da-oh suggests what may happen to those who are disappeared. In 2001, Dr Waemahadee began working for justice and human rights in southern Thailand. Dr Waemahadee reported to newspaper that, on 10 June 2003, he was arrested by 10 people travelling in three cars as he was leaving his house to meet a group of villagers. They men threw him into their car, beat him and attempted to force him to sign a document. When the car stopped at a gas station the men placed a bag over his head to suffocate him and he became unconscious. When he woke up he had no idea where he was, but found he was in an air conditioned square room without any windows. His feet were swollen because the men who had taken him had stood on them and he was unable to walk. A group of men came into the room and tried to convince him to sign a paper. He did not know what the paper said and he refused to sign it so they beat him. The next morning, someone again came and asked him to sign a document, saying it was for his release, but again he refused to sign. Dr Waemahadee refused to eat and drink. The men threatened to throw him out of a helicopter, but he still refused to sign. When they found they could not force him to sign the document, he was transferred to the criminal justice system, where he was charged with numerous terrorism related offences, including being a member of Jemaah Islamiyah. Dr Waemahadee was acquitted of the charges.⁴³

⁴¹ Amnesty International, *Thai security forces systematically torture in southern counter-insurgency*, 13 January 2009.

⁴² Amnesty International, *Thai security forces systematically torture in southern counter-insurgency*, 13 January 2009.

⁴³ 'Abduction'... the turning point of 'Dr. Wae', 3 April 2011, <http://prachatai.com/journal/2011/04/33869>.

Enforced disappearances continue to take place following patterns that have been used in the south for ten years. This indicates that all governments of Thailand in the last ten years have failed to address the problem of enforced disappearances that result from counter insurgency policies in southern Thailand. It further reflects that enforced disappearance is an entrenched extra-legal practice used by security officials in the south.

War on Narcotic Drugs and other drug-related disappearances

JPF has documented eight incidents of enforced disappearances involving 10 individuals related to suspected involvement with drugs, including two disappearances directly attributable to Prime Minister Thaksin's 2003 War on Narcotic Drugs. These cases were documented in the north and east of Thailand. JPF has also documented cases of arbitrary detention, torture and extrajudicial killings as a result of drug related policies.

Thailand has always employed harsh policies for drug related offences and given limited respect to the rights of those believed to be associated with drugs. For instance the current government states that "the drug problem remains a national critical issue and a threat to national security and has and is causing many negative impacts on society".⁴⁴ Those living in the northern regions of Thailand have consistently borne the brunt of anti-drug trafficking policies of the Thai Government. For example, the northern region is the main target for the current Government's anti-drug programme titled "The Kingdom's Unity for Victory over Drugs Strategy". This is because the northernmost districts are so-called "smuggling routes" for drugs. Based on a recent report of the Government that states "[t]he main entry points of drug smuggling into Thailand are in the border provinces of the Northern Region, especially in Mae Sai District in Chiang Rai province." The report goes on to say that 98.1% of amphetamines were smuggled into Thailand through the border provinces of the northern region.⁴⁵

On 28 January 2003, two years into his first term, Prime Minister Thaksin Shinawatra, announced a new policy to address the narcotic drug trade and use, titled "War on Narcotic Drugs". This policy opened the door for a host of extremely serious human rights violations in Thailand, which were condoned and encouraged by the Government's senior leadership. The concept of the policy was "an eye for an eye" and considered those with a history of involvement with drugs as "security threats" that could be dealt with in a ruthless and severe manner.⁴⁶ Each province was given a quota for arrests and seizure of narcotic drugs. Financial rewards were also given for narcotics seized at three Baht per amphetamine seized. Police and local officials, including village headmen who failed to meet the target were punished. Each evening Thai television stations reporting on the "War" showed shots of police proudly displaying the coffins of the "drug dealers" who had died that day. Newspapers reported the daily death toll, until international outcry at the climbing number of suspected extra-judicial killings freely being reported in the press made the Government think twice about so publically reporting the death toll. The first phase (1 February to 30 April) focused on "securing the area" and "cutting the chain" of narcotic drug smugglers. During this period, 2,873 people are believed to have been killed, over and above the normal murder rate in Thailand. A governmental panel established to review the

⁴⁴ Thai Government website: <http://narcotics.prdnorth.in.th/about-project.php>

⁴⁵ <http://www.nccd.go.th/upload/content/suj.pdf>

⁴⁶ See Prime Minister's Order 29/B.E. 2546 (2003) signed on 28 January 2003, cited in Human Rights Watch, *Not Enough Graves: The War on Drugs, HIV/AIDs, and Violations of Human Rights*, June 2004.

cases found that in only 1,187 cases, was there any indication of the individual's involvement with drugs. Names were gathered in a very short period of time for inclusion on 'blacklists' via community meetings in which villagers were asked to name drug users, or by providing anonymous information to the police. A police general who was a member of the Government-established investigation panel found that the "weak point of the crackdown is the 'backlist', which was lacking in thorough investigation of whether these lists are of people who are involved with drugs or not".⁴⁷ The second and third phases of the policy continued until 30 September 2004 and focused on "rehabilitation, treatment and development" and "strengthening the power of the nation and community sustainability", respectively.

Under no circumstances does Thai law allow its security forces to arbitrarily detain, ill-treat, torture, extra-judicially execute or enforcedly disappear suspected drug traffickers or users. Despite this, neither the Thaksin Government nor subsequent governments have taken any action to prosecute those responsible for the very serious crimes perpetrated by the police and military during the war on drugs. Furthermore, under no circumstance is the Thai government justified in the persecution of its minority communities: a member of the Thai National Human Rights Commission (NHRC) reported to Human Rights Watch that during the war on drugs "ethnic minorities were subjected to stereotyped beliefs that they were also involved in the drug trade".⁴⁸ A member of the NHRC, Dr Pradit, who raised concerns about the war on drugs at the 2003 session of the United Nations Commission on Human Rights, was harshly criticized by then-Prime Minister Thaksin, threatened with impeachment by a member of Thaksin's *Thai Rak Thai* party and received death threats telling him to "stop speaking to the United Nations or die".

JPF has documented in detail the arbitrary detention, torture, extra-judicial killings and enforced disappearances that took place as a direct result of Prime Minister Thaksin's 2003 War on Narcotic Drugs policy, at a ranger⁴⁹ camp in Northern Thailand.⁵⁰ Serious human rights violations had taken place in this area prior to the 2003 War on Narcotic Drugs, however, the number and scale of violations increased dramatically around May 2003.

Between May and December 2003, a ranger camp in northern Thailand was reportedly used to arbitrarily detain and torture individuals, mainly from the Lahu Hill Tribe community, this resulted in some extra-judicial killings and enforced disappearances. The perpetrators were members of the military and rangers posted to the area during that period. The main perpetrator, a Master Sergeant,

⁴⁷ Police General Wanchai Srinualnad, former member of a Government investigation committee.

⁴⁸ Cited in Human Rights Watch, *Not Enough Graves: The War on Drugs, HIV/AIDs, and Violations of Human Rights*, June 2004.

⁴⁹ Rangers are locally recruited security personnel who assist and report to the military. In this case the ranger camp was in the same location as the military barracks and it would have been impossible for the military to not be aware of what was taking place inside the ranger camp.

⁵⁰ JPF was unable to document if similar methods were used at military barracks or ranger camps in other areas in the north. The violations documented in this report at the ranger camp may be an indication of methods used elsewhere, however further documentation would be needed to ascertain if this is the case.

was identified by several victims and witnesses.⁵¹ He was reported to be under the command of a Lieutenant General and a Colonel. The Master Sergeant reportedly arrived in the area shortly before the violations began. At the time it was believed that drugs were being smuggled across the Thai-Myanmar border from the unofficial “Wa” state in Myanmar.

During this period, individuals were arrested from their villages or at work (in the fields) by large numbers of soldiers and rangers in uniform with military vehicles and sometimes in the presence of government officials. Those arrested were usually beaten by security officials during the arrest, sometimes blindfolded and transported in military trucks to the ranger camp. Detainees were brought to the camp from surrounding districts and as far away as Chiang Rai province. Upon arrival at the camp, their blindfold was removed and they were handcuffed or shackled to another detainee. Some new arrivals were beaten before being forced to climb down a ladder into a hole dug into the ground. The hole had only one entrance and exit, in the mouth of the hole. The hole was around two-metres deep and the ladder was removed after the detainee was secured inside. Most of the detainees were kept in the hole for seven days continuously. Other detainees, who had their shackles temporarily removed, were made to bring food twice per day. The soldiers did not spend time inside the hole. At one time, a large group of new detainees, around 40 people, were brought to the camp. As there was not enough space in the existing hole so the detainees already present in the camp were ordered to dig another hole.

The average detention period was two to three months, though a few were only detained for 45 days. In the first seven days some detainees were taken out of the hole for interrogation, tortured and then returned to the hole. After seven days detainees were often removed from the hole to stay above ground during the day and slept in the hole in the evening. Interrogation and torture continued after the initial seven-day period. After seven days, some of the detainees were kept in a building which was divided into two sections. They were required to assist the officials by keeping the camp clean and providing food to the detainees in the holes. One section was dedicated to the detainees’ sleeping quarters, whilst the other section was used to torture detainees. Detainees who could not speak Thai were beaten when they could not answer the questions of the officials. In addition to being kept in a dirt hole in the ground with no sanitation facilities, other methods of torture witnessed by detainees and reported to JPF included being threatened with death, being beaten across the head with a wooden club, being punched and kicked, being forced to beat other prisoners, being hung from the roof beams by the wrists and electrocuted, and being tied to a chair and electrocuted. Officials would ask the detainees questions and if they did not respond they would be electrocuted on their legs, arms and backs. Their shirts would be removed prior to these interrogation sessions. The questions they were asked related to drugs, such as: “I was told these drugs belong to you. Is that true?” These methods of torture sometimes resulted in the detainee’s death.

In addition to receiving information about detention conditions and torture through interviews with former detainees, JPF also documented two cases of disappearances which reportedly took place at a ranger camp:

⁵¹ JPF was told that the master sergeant was murdered in 2005. It was reported to JPF that the bullets used in the killing were from a military weapon, however, JPF is unable to confirm this. The killing reportedly took place after complaints had been made about violations by the rangers and once an investigation had taken place.

- Japa Janu⁵² was arrested, along with four others, in October 2003 during a mass raid on Tadhmok Village in Mae Ai by around 20 men who arrived in a military vehicle wearing different official and security uniforms. The five men were beaten and loaded into trucks. The families reported that they went to look for their relatives at Ranger Camp in the North but were told that the men were sent to Chiang Mai. On the next visit the relatives of the other four detainees were able to meet their detained relative, however, Japa's family were told he had been sent to Chiang Rai for detention. The relatives of the other men informed Japa's relatives that he had been detained in the same hole as them and had been interrogated for two nights and three days. They said he died on the third day. Japa has not been seen since.
- Jahwa Jalo⁵³ was arrested during a raid on a lychee orchard where he worked in October 2003 by around 30 men wearing black uniforms with red scarfs and firing their weapons. It was reported to JPF that the arresting officer admitted to his superior that they had found no "contraband" on the individual's own person, still he was taken. A witness reported that before being transported a member of the security forces stepped on Jahwa's neck until his tongue protruded and a lot of blood came out of his mouth. At the ranger camp he was beaten by officials, then up to 40 other detainees were forced to line up and kick him twice. While it was obvious Jahwa was in a serious medical condition, he was left on the ground to die. Jahwa's body was then transported by the officials, placed in a pit in the ground shot several times, covered in whiskey and buried. Two prisoners were forced to assist with the burial and know the location of the body. After the arrest the victim's daughter visited the camp to enquire about her father. She was told he had been released already. When she visited a second time she was told he has been moved to Chiang Mai city. Jahwa remains a disappeared person.

A community leader in Mae Ai suspects there are around seven to eight additional cases of enforced disappearances that took place during this period, about which the families are too afraid to complain.

JPF also documented two extrajudicial killings which took place during the same time period:

- Jawa Jakape was arrested in December 2003 by 30 soldiers in a green striped uniform who came to Huay Tao village, Thaton sub-district, Mae Ai, in three military vehicles. The soldiers told the villagers to gather in the village common area where they then asked that "Any person named Jawa step forward". Eventually the two Jawas in the village stepped forward and were taken away by the soldiers. Jawa's body was returned ten days later by a soldier⁵⁴, along with the other Jawa who was alive. It looked like he had been dead two days as the body was swollen. Dried blood covered his nose, broken chin and broken collarbones. His whole body was badly bruised. There is no information on where he was taken or what torture he was subjected to.
- Yahair Jalor was reportedly beaten to death by a ranger in his home village Pa Kuuiy village in Thaton sub-district of Mae Ai in late 2003. In 2003, a small ranger outpost had been set up in the village. On the day Yahair was killed the rangers called a meeting with all of the men from the village. On arriving at the meeting Yahair was kicked then badly beaten by a ranger until he collapsed. Others at the meeting could not assist him as the other rangers were pointing their

⁵² It is believed that Japa had used opium in the past.

⁵³ Jahwa was believed to have some history of using opium, though had reportedly not used it for a long time.

⁵⁴ Witnesses were able to report the specific military barrack's the soldier was from.

guns at them. Yahair's family searched for a car to take him to hospital, eventually they asked the rangers to take him to hospital. At Mae Ai Hospital the doctor said his condition was too severe and he should be taken to Chiang Mai. Yahair died on the way to Chiang Mai.

The detainees described above are all male and predominantly from the Lahu Hill Tribe. However, JPF also received some information that up to five women were kept at a ranger camp during this period. It is alleged that these women may have been forced into coercive sexual relationships during their time in detention. It was reported that two of these women married rangers following their detention. JPF, however, was not able to directly interview any women who had been detained or corroborate these allegations.

These cases highlight the brutal and extra-legal manner in which War on Narcotic Drugs was implemented in one border region in northern Thailand. While this policy built on decades of harsh treatment of suspected drug users and traffickers in Thailand, the legacy it left has created the environment in which security officials choose to use extra-legal methods of policing in regards to drugs. Furthermore, police have learned it is expedient to allege their victims were drug users or traffickers in order to avoid public and official scrutiny of their extra-legal methods. As a result, killings and disappearances related to allegations of drug use or trafficking continue today.

JPF has documented five incidents of enforced disappearances involving seven victims since the violent first year of War on Narcotic Drugs. In all cases the individual was disappeared from a public place and there is evidence to suggest involvement of Thai security officials. These enforced disappearances follow a similar methodology to those described as in the above section on southern Thailand. Three of the incidents took place in Chiang Mai province and two incidents involving four individuals took place in Kalasin province. In four of these incidents, allegations of involvement with drugs or the use of drugs was used as an excuse to attack the individual is clear. In one case the reason is not clear, however, as it follows a pattern of similar disappearances around the same time, it is included with these cases.

- Wichai Jalae was disappeared following his arrest as he crossed the Thai-Myanmar border at the San Ton Du border crossing on 12 August 2009 or 2010. He was arrested with two others, Aisor and Kaew, by ten men wearing black uniforms with red scarfs under the command of a Captain.⁵⁵ The rangers had earlier set up a checkpoint at the border crossing. They had previously arrested five border traders who were all released soon after. Wichai's wife asked the soldiers at a nearby military camp where her husband was; she was told to "Wait a while, they will come home soon". The three men have never been seen again. This border crossing is in an area influenced by the Wa Army on the Myanmar side, which is known for drug manufacturing. The crossing is known to have been used for smuggling drugs into Thailand in the past.
- A man (name and home district withheld on request of family) who had previously been detained in relation to drug possession was disappeared in December 2010, seven months after his release. He was visiting Chiang Mai city to meet a friend when he was disappeared. It is believed he was taken between 2 and 3 p.m. because his wife was unable to contact him at 3

⁵⁵ Witnesses identified the specific Captain.

p.m. following their last contact at 2 p.m. Around 6 p.m. his wife received a call in which she could hear a man's voice saying "Let me speak to your wife a little" and then "Give me the telephone" before the call went dead and the phone was switched off. His wife then received a call from a friend of her husband. The friend told her that her husband had called him and said he had been arrested. His head was covered with a black garbage bag so he couldn't breathe and he was forced to make a confession. The friend also said her husband had described to him the appearance of the arresting police officer, saying he was bald, with a mustache and wore many Buddhist amulets around his neck. The friend who called the victim's wife believed this police officer was from a particular police station⁵⁶ because he had previously been detained and beaten by a man matching the description in a particular police station. The wife as told that the friend who had invited the victim to Chiang Mai had also been arrested and both had been accused of possession of methamphetamines. When the wife's elder brother visited the police station where they believed the victim was detained, he was told that no one with the victim's name was held there. Other police stations in the area also stated they were not detaining him.

- A man (name withheld on request of family) from Chiang Mai province disappeared on 6 November 2010 from Chiang Mai. Little is known about what happened to him. However, on the day of his disappearance, plain-clothes police officers arrested his brother (who had a similar name) from the man's rented house. At the police station the brother overheard an argument debating which of the two men was meant to be arrested. The family visited many police stations in Chiang Mai city and in their district, but all denied they were detaining the man.

In the final two cases above, the victims were from the same village. The family of one of the victims reported that an additional ten villagers from that village had been killed by the police so the villagers were too scared to report what had happened to their relatives.

- Oaynapa Sukprasong (female) was disappeared with her private secretary Wantana Thaksima (female) on 2 December 2004 in Kalasin province. An eye witness reported seeing Oaynapa's car cut-off by a pickup truck and forced to stop on the side of the road. Wantana left the car to inquire what was going on. She and Oaynapa were forced into the pickup truck by three men, which then drove away with the women sandwiched between the men in the truck to prevent them escaping. Oaynapa's car was later found at the Kalasin Police Station. Oaynapa was known to operate a lottery and had paid bribes to the local and regional police in regard to this. There were allegations prior to the disappearance that she was a drug dealer and she was watched closely by the police. Oaynapa had told her family she was afraid of a specific police officer.⁵⁷ The family house had been searched twice prior to her disappearance. The first time nothing was found, but on the second occasion the police officer she was afraid of and Oaynapa had argued about the house search. There had also been rumours that Oaynapa's husband was on a government blacklist. When local police investigated they asked the family if their factory was used to produce amphetamines. The family went to see the Municipality Office Chief, who told them that the officer she was afraid of was the one who took Oaynapa.

⁵⁶ The friend identified the specific police station.

⁵⁷ Oaynapa informed her family of the name of the specific officer.

- Wan Yubonchu and his wife, Sommai, were disappeared on 14 May 2005 in Kalasin. The family worked at festivals and fairs throughout the Isaan region and was in quite a good economic situation. There were rumours that both husband and wife were on the government blacklist under suspicion of selling drugs. While no witnesses have been willing to come forward officially, the family has heard that on the day of the disappearance, a car crashed into the couple's car and the couple tried to run away, but was chased by a group of men. A police officer informed Wan's older brother that evidence indicated who was involved in perpetrating the disappearance, however, a senior officer had told the police officers to not pursue this case.

In addition to the two incidents of disappearances in Kalasin province, JPF has also received documentation of 19 cases of extrajudicial killings documented by a local activist. One of these killings took place in December 2003, 11 in 2004 and seven in 2005. JPF was informed that suspected involvement with drugs is believed to be the reason behind these killings. One case, which has been documented in detail and made some limited progress within the criminal justice system, is that of Kiattisak Thiboonkrong from Kalasin who was extra-judicially executed by the police on 23 July 2004 in or near Janharn district in Roi-et province. He was arrested in regard to a stolen motorcycle. While he was detained he made a frantic call to his grandmother in which he said "the police are going to kill me". At this stage his relatives went to the police station to inquire, but were told that he was not held there. Two days later his corpse was found hanging in a farmhouse in Janharn district. The perpetrator had tried to make it appear to be suicide but, the autopsy revealed he had been tortured and killed prior to being hung. The Department of Special Investigations has since confirmed that this is a case of murder and three police officers have been accused of involvement in the extra-judicial killing. Kalasin province has been notorious for many years in its harsh approach to drug users. In 2002, Kalasin officials posted a large signboard in front of the provincial hall stating that Kalasin was a drug free province. It is believed that the approach in Kalasin is partly inspired by War on Narcotic Drugs, as he is known to have praised Kalasin's approach.⁵⁸

JPF has also documented three cases of an enforced disappearance, an extra-judicial killing and an attempted extra-judicial killing which took place in Chiang Mai province prior to the official start of War on Narcotic Drugs.

- Ja-uer Pawlu was disappeared in Fang district in Chiang Mai province in October 2002. Several witnesses reported seeing Ja-uer arrested with two friends at Doi Ang Kang in Fang district by individuals driving a car that had the logo looked like the Office of Narcotic Control Board. The Assistant Village Headman told JPF that one of the friends Ja-uer was disappeared with was known to function as a middle agent for amphetamine dealers. A man from the village who offered to find Ja-uer and bring him back in return for 50,000 Baht, was himself shot dead. Ja-uer's family searched for him in the Mae Ai Army Camp, the Nong Ook Army Camp in Chang Dao and at the Fang Police Station but they all denied Ja-uer's detention.
- A man and his son (names withheld on request of the family) were extra-judicially executed in Chiang Mai province in 2002, by what witnesses reported was a plain clothes police officer. The man's car was chased and shot at. He was shot multiple times until he was dead. Witnesses

⁵⁸ *Internationals press unfolding nightmare of 'killing execution' the reports of AFP on the war on drugs policy in Thailand*, available at <http://www.komchadluek.net>

reported there were around 20 shell cases found at the crime scene. The man's son was shot ten minutes later on his motorbike. He was not killed immediately so villagers took him to hospital where they were met by police officers who remained in the emergency room while forcing the relatives out. Not long after he was announced dead. The relatives are suspicious of what happened in the emergency treatment room. The Village Headman told JPF, that even before 2003 the village was declared a "Red Village" because of suspected drugs in the village and that police would just shoot anyone they suspected even without any evidence.

- A 60 year old man was attacked in Chiang Mai province in November 2001. While driving with his one-year old son in the car, the man was followed and shot at from a car belonging to the District Chief by men he identified as members of the paramilitary village volunteers. He hit a tree and was shot twice as he tried to run away into the jungle. Villagers came and found the car and baby boy. The man hid and helped by his relatives he went to another province for one year, until he was helped by a lawyer. The lawyer contacted the area's Police Chief who informed that the man was a national level drug dealer. The lawyer prepared documents stating the man was not a drug dealer and he has been able to return home.

The cases of enforced disappearances and extra-judicial killings documented by JPF that took place before and after the official War on Narcotic Drugs, show that while the period of February to April 2003 was a particularly violent crackdown on drugs, extra-legal methods of policing suspected drug use and trafficking, have been used before and long after the official policy came to an end. All of the victims of enforced disappearances and extrajudicial killings documented by JPF in the north of Thailand were from Hill Tribe communities.

Drug policies, particularly the War on Narcotic Drugs, are expected to be pursued by all state officials. However, given the extra-legal approach of the implementation of drug policies in Thailand, village headman sometimes distance themselves from such policies and refuse to act as spies or support the local officials in their implementation of the policy. JPF has documented cases where village headmen are believed to have been extra-judicially killed because of their refusal to support such policies.

- A Village Headman was shot dead on 24 June 2001 in Chiang Mai province. He was on his way to join a village headman meeting when he received a call reportedly by police radio telling him to turn back and pick up another person. He was then followed by two pickup trucks with men inside carrying AK rifles (identified from the shells found at the crime scene) who opened heavy fire on the Village Headman. This was witnessed by many people who are too afraid to speak out. Relatives suspect the police were responsible because a police car was left parked at the scene of the crime. Furthermore, a Village Defence Volunteer came to "observe" the funeral ceremony every night until it finished and the District Chief and Police Chief's car was driving around the grounds during the ceremony. The victim's brother said "My brother wasn't involved with drugs. We knew the District Chief had been ordered to crack-down on anyone suspected of involvement with narcotic drugs". After the killing, a meeting was held in the village in which officers informed villagers that at present the District Chief had the power to crackdown on narcotic drugs.
- In June 2003, Jalor Jabo, Village Headman at the time of his death, was shot dead by rangers in Thaton sub-district of Mae Ai in his home. Rangers had come to his home at 5 p.m. with a chicken and whiskey and told Jalor to cook for them, then eat and drink with them. At 7 p.m.

one ranger pointed his gun into the kitchen and shot Jalor. The rangers delayed taking Jalor to the hospital for over one hour. At the hospital, they were met by a group of soldiers who took Jalor into the treatment room and closed the door. Soon after Jalor was declared dead. Relatives believe there were two possible reasons why Jalor had been killed: firstly, he had mediated a dispute between a ranger and a village girl in which the ranger had to pay a fine; and secondly, Jalor, as Village Headman, had refused to spy on the villagers for the rangers. Jalor had said he did not want to be Village Headman but the villagers had not allowed him to resign.

- Pichet Saelee was shot dead in late 2010. He had recently retired as Village Headman because he did not feel comfortable with the crackdown on drugs being implemented so violently. The Village Headman before him had also been shot dead. Pichet was shot at point-blank range in a public place but no one was willing to provide evidence due to fear. Villagers said that no one wanted to be village headman because no one wanted to deal with the narcotic drug problem. They suspected that state officials overstepping their power were involved.

Other groups of people vulnerable to enforced disappearances

In addition to drug related policies and the policy responding to the insurgency in southern Thailand, there are several categories of people who are vulnerable to enforced disappearances. These are: individuals who have a close relationship or have had personal conflict with the police; witnesses of human rights violations; activists (environmental, human rights, corruption, political); and migrants. While there is no specific policy that directly places these individuals at risk of disappearance, years of use of extra-legal methods of policing in Thailand and impunity for crimes by state officials, creates an environment in which these vulnerable categories of individuals become at risk of a range of human rights violations, including enforced disappearances. In some cases, policies and laws related to the group – such as migrants or witnesses – further exacerbates this already present risk. Some individuals find themselves facing multiple risks as a result of belonging to several vulnerable categories.

a. Individuals with close relationship with the police or who have had conflict with the police

JPF has documented four incidents, involving ten people, of enforced disappearances that appear to be a result of the victims having a close relationship with the local police or security officials. In these cases it is unknown why this close relationship led to the victims' disappearances or extrajudicial killings. Regardless of your relationship with a police officer, even if that relationship involves illegal activities, it is both a crime and a human rights violation for police officers to disappear or kill people.

- In January 2006, four family members and a friend (Pichit Ja-Ur, Jagaa Ja-Ur, Jaga Ja-Ur, Nasee Ja-Ur and Jatae Ja-ha) from Mon Pin sub-district in the Fang district of Chiang Mai, were travelling to Fang market by car when their car was forced off the road by two others with no licence plates. A witness saw the incident and reported that Pichit and Jaga were told to go to sit in the front car and the other three to the rear car. The man giving orders had a pistol on his waist. The cars then drove off. The following morning the television news reported that the Office of Narcotic Control Board had ordered the military and police to join forces in pretending to be drug dealers in Mae Teng District and had confiscated 100,000 amphetamine pills. The "drug dealers" had allegedly fought back and two were killed – Pichit and Jaga. However, JPF was told that in the television footage it could be seen that the two bodies were handcuffed and

when the family collected the body they were able to see wounds on Jaga's face, head and nose. Both bodies had been cut open for what the family assumed was an autopsy. The other three people have since been disappeared. Locals told JPF they believed the family members were spies for the police and that they had been killed because they "knew too much". A court inquiry took place in which the family decided not to pursue prosecution of the officers who had allegedly killed Pichit and Jaga in a drug raid, saying what they really wanted was to know the whereabouts of the three people who had been disappeared. In response the Judge asked the Government official present in the court the whereabouts of the three people. The official responded that Jagaa was in juvenile detention, but when the family went to the detention centre in Chiang Mai, after being told there was a juvenile of that name there, the officer changed his story saying there was no one there with that name. No official information has been given in regard to Nasee and Jatae, however, a villager who had been detained in Bangkok's Baang Quang Prison reported seeing Nasee and Jatae there.

- A man from western Thailand, was possibly enforcedly disappeared on 25 April 2001 after telling his wife that he and his brother were going to a nearby province to change his motorbike license. Two days after leaving home, the man called another brother to say that he and his brother had been captured by a group of men on a bridge in that province. The call was suddenly cut. The man had spoken to his family the day before saying he would be home the next day and gave no indication that there was a problem. Information suggests that the men had actually traveled to the other province because a business contact had invited him to come to his house. It is believed that the business contact had also contact with the police. 20 members of the family went to search for the men at police stations and other places in the province, but found no evidence of him. The informant in this case said that she had heard of several similar stories in her region of Thailand.
- Ya Jae-Dorlor and Wae-harong Rohing were invited in March 2002 by a man known as Do-lah Roying, calling on behalf of the police, to report to the Muang District Police Office in Yala. They left home for the meeting and never returned. Both men had an ongoing relationship with this police officer and regularly provided him with information. (See page Annex for details)
- Mayateng Maranor was "invited" by rangers from Task Force No. 41 for interrogation at Bang Lang Dam Army Base in Yala. He left with the rangers in June 2007 and was then disappeared. Prior to his disappearance, he was regularly asked by officials to provide information on security developments in the village. (See page Annex for details)

JPF has also documented four incidents where a conflictual relationship with local security officials or influential people in the area was potentially the reason for an individual's disappearance. When government or security officials participate in the killing or disappearance of an individual it is not only a serious crime under the Criminal Code, but also constitutes a serious human rights violation.

- Saman Metham was possibly disappeared on 2 June 2007 from the road near Tungnathong market in the city of Kalasin. He had formerly been a member of the Subdistrict Administration Organisation and was reported to be well liked. Saman owned a mill and had allegedly come into conflict with a local police officer, Mr Wichianpak from Yang Talat Police Station, regarding his application to expand the mill. The expansion project came to an end when Saman was possibly disappeared. Saman's family was well off in comparison to others in the neighbourhood and JPF was told there had been rumours of a plan to suppress influential

people in the area prior to his disappearance. Immediately before his disappearance, a police officer enquired with staff of the mill about their routines: “What time do you leave home to come to the mill? What time do you return home? What road do you use?” The police officer asked the same questions about Saman’s routine. This questioning was viewed as an indirect threat to the workers and Saman.

- Mayunit Loneeya was disappeared around 8 p.m. in July 2007 in Raman district of Yala. It is possible that his disappearance is related to the suppression of the insurgency in southern Thailand as Mayunit had attended a re-education course run by the army in 2004, because he had been on a blacklist. However, on the day of his disappearance around eight members of *Or Sor*, a provincial level defence force under the Ministry of Interior, came to his house to arrest him. They informed him that the Subdistrict Head wanted to ask him some questions because he had recently arrived in the area. Information provided to JPF indicated that there had been a serious personal conflict involving the Subdistrict Head and the Village Headman between 2007 and 2009, and that many people had been killed. It was reported that Mayunit (a new comer to the area) had not wanted to get involved in the local “mafia-type” activities in the area. This may have been the reason he was disappeared
- Sagariya Gahjeh, who was possibly disappeared in Yala’s main city in 2003, had his home regularly searched by the police prior to his disappearance. The family believes they were targeted as a result of neighbours’ jealousy as the family had connections with government officials. The family believes that their neighbours had gone to the police and government officials with false allegations, which lead to Sakarya’s disappearance.
- Mr Ku-amad Ahbesen, who was disappeared with Mr Weasainung Weana-wea, Mr Abduloh Salum and Mr Muhammad Senren, in Pattani in 2005, Ku-amad had been charged and acquitted of murder of the son of a high-ranked police officer from Trang province. He was released on bail for the appeal process at the time of his disappearance. The men were seen being followed by the police prior to their disappearance. The police were rumoured to be from Pakaharang district Police Station.

The two incidents involving Oaynapa Sukprasong (female) and her personal secretary Wantana Thaksima (female) and Wan Yubonchu and his wife, Sommai, were preceded by allegations of the victims’ involvement with drugs, however, these allegations may have been used to justify these two attacks, while the real reason for the attacks may have been personal disputes. In Oaynapa’s case JPF did find some evidence of a conflict between her and a local police officer.

Individuals involved in the smuggling of migrants across the Thai-Myanmar border, often form illegal relationships with security officials and government officials to enable the movement of migrants through areas along the border, which they otherwise would not be able to travel. Sometimes these relationships turn sour, perhaps due to the non-payment of bribes or other reasons. As a result the smuggler and/or the migrants may be killed, enforcedly disappeared or deported. This is possibly the case in regards to the killing and disappearances of migrants in Phop Phra in 2010 (see below).

b. Migrants

The vulnerability of migrant workers to human rights abuses in Thailand, particularly along the Thai-Myanmar border, is well documented.⁵⁹ Migrants face a host of formal restrictions on their rights to freedom of movement, freedom to form trade unions, and access to health care and education. Migrant workers frequently face violations of their labour rights including unpaid and forced overtime, dangerous working conditions, low salaries, unpaid salaries, abuse, restrictions on leaving the place of work, and confiscation of passport and/or work permits. Both documented and undocumented migrants find it extremely difficult and dangerous to complain about abuses of labour rights to Thai officials. Furthermore, migrants are frequently at direct risk from Thai officials through arbitrary detention, torture in detention, deportation and extortion. Officials are also commonly involved in or complicit in trafficking and smuggling of migrants which frequently leads to exposure to a host of abuses and impunity for both officials and civilians involved in related crimes. Human Rights Watch has found that “[g]overnment officials often regard migrant workers from neighboring countries as a potential danger to Thai communities, the interests of Thai workers, and national sovereignty”⁶⁰, which contributes to migrants’ vulnerability and the abuses they experience. The first two cases of enforced disappearances received by the UN Working Group on Enforced and Involuntary Disappearances involved two refugees from Myanmar who were allegedly arrested by the authorities on 22 May 1992 in the city of Ranong on suspicion of being illegal immigrants. WGEID reported that although the relatives were informed by the authorities that they would be able to see the subjects in court on 25 May 1992, neither appeared in court on that date.⁶¹

Documentation of violations experienced by migrant workers is extraordinarily difficult given the high level of warranted fear within the migrant community and NGOs working for migrants’ rights. JPF has documented two cases of enforced disappearances involving migrants:

- In 2006, a local NGO was assisting migrant workers from a ceramic factory, which was reported to be partly owned by a member of the Thai Army, in negotiations with their employer regarding bad working and living conditions. The workers selected a representative from among themselves to represent them in discussions with the factory. Both the employer and the workers went to the Labour Protection Office for a meeting. Their chosen representative went into the Office to begin the negotiation, however a policeman in uniform came and arrested the representative. The other workers went to the police detention centre to find him, however the police said they had already released him because they just wanted to ask him a few questions. He has never been seen again and the local NGO believes he was enforcedly disappeared. The workers continued to be harassed, even while staying in a safehouse, by the factory’s part-owner who was reported that he possibly work with the Thai Army.
- On 24 January 2010, a group of 12 Karen migrant workers were traveling from Myanmar to Thailand, organised and guided by agents. Their boat crossed the Moei River and landed on the Thai-side of the border in Phop Phra district. They continued their journey by car and on foot during the night until reaching KM 48 where a man stood waiting for them. The group leader told them to run. Witnesses reported hearing shots fired while they ran away. Of the 12 people

⁵⁹ See for example, Human Rights Watch, *From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand*, February 2010.

⁶⁰ Human Rights Watch, *From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand*, February 2010, page 4.

⁶¹ UN Working Group on Enforced and Involuntary Disappearances, *Annual Report*, 30 December 1994, E/CN.4/1995/36.

who set out seven dead bodies have been recovered, three people survived and two people remain missing.⁶² The bodies were located over quite a wide radius suggesting that the killer(s) were attempting to hide the killings to avoid the news spreading. It is difficult to know why the killings took place. It is possible the perpetrator wanted to kill the broker for not paying him off. It is also possible the perpetrator was drunk and accidentally shot one person and then decided to kill the others. A policeman was officially accused of the murders, however, he hung himself in what appeared to be very dubious circumstance suggesting he may have been set up. A detective from Tak province sent to investigate the case was also reportedly murdered.

Authors of *Militia Redux: Or Sor and Revival of Paramilitarism in Thailand* published in 2007 have also documented several cases of enforced disappearances and killings affecting the refugee and migrant community. These cases include:

- On 28 February 2000, Ko Win Myint, a Mon man, was shot by an *Or Sor* member (local paramilitary hired by the Ministry of Interior) at a checkpoint near the Mon refugee camp at Halockhani in Sangkhlaburi district, Kanchanaburi province. He was accused of being a Burmese military intelligence agent by a drunk *Or Sor* member who shot him as he tried to explain who he was. He did not die immediately but was dragged by the *Or Sor* members to a cliff and kicked off. The militia did not allow the family to collect the body. Ko Win Myint worked for a Western NGO on a HIV/AIDs programme.
- In January 2002, 17 bodies were found dumped in the Moei River in Mae Sot. Their hands and feet were bound, their eyes blindfolded and their throats slit. Thailand's Thai Rath newspaper speculated that two of the three main suspects were immigration officials. After questioning by the police, they reportedly absconded.⁶³
- In April 2003, a group of Mon men were caught illegally cutting bamboo by *Or Sor* members near Halockhani (the same group responsible for the murder of Ko Win Myint), where a scuffle had taken place between the men and the *Or Sor*. One man was shot and his body taken away and never recovered.
- In May 2003, six Burmese migrant workers were arbitrarily arrested, beaten and shot dead by local administrative officials and *Chor Ror Bor* members. A group of more than ten migrants were arbitrarily arrested by members of *Chor Ror Bor* who demanded a 2,500 Baht ransom from everyone. One of the *Chor Ror Bor* went to collect the money from other workers at a factory, however he was beaten by the workers who thought he was a drug abuser, not an official. More *Chor Ror Bor* then came and caught six of the Burmese migrants they believed had beaten their colleague. They were tied together and later handcuffed and beaten for two hours across the road from the village headman's house before being taken into the forest, shot and burned on rubber tires. Several officials were sentenced to death for their role in the killings.

A detailed report on human rights abuses perpetrated against migrant workers between 2001 and 2003 in Tak province documents ten cases of migrants killed or enforcedly disappeared by state officials.

⁶² The group leader, who guided them into Thailand, survived the incident but has since gone missing.

⁶³ "Thais must stand up for migrants rights", *The Irrawaddy*, Volume 10, No. 2, February 2002.

While the report was never published due to fear of retaliation, the cases are documented with a high degree of detail suggesting their authenticity.⁶⁴

c. Witnesses

Witnesses of human rights violations are another category of people at risk of enforced disappearance, whether or not the witness is part of Thailand's witness protection programme. Witnesses of human rights violations are vulnerable to efforts of officials to silence them through threats, fake criminal charges, violence and in the most extreme cases through extra-judicial killing or enforced disappearance. The risk may come from the official responsible for the original violation or from his colleagues seeking to protect the offender and the institution they are part of. Witnesses in the Thai witness protection programme under the Department of Special Investigations are known to have been threatened. For example, Pikul Promchan, aunt of a man who was extra-judicially killed in Kalasin in 2004, has received threats including anonymous phone calls and felt she was being followed; and Angkhana Neelapaijit, wife of enforcedly disappeared lawyer Somchai Neelapaijit, receives threats as she continues to pursue justice for his disappearance. JPF has documented two incidents in which four witnesses have been disappeared:

- Jafa Jahay (14 years old at the time and travelling separately from the other two), Montri Jagae and Jatipoh Lungtha were disappeared between 8 and 10 a.m. on the road that passes Huay Bon dam in Wieng sub-district, Fang district, Chiang Mai at the end of May 2003. That morning witnesses said that police officers and government officials had ambushed and killed a drug dealer on Huay Bon Dam around the same time the boys would have been passing the dam. Witnesses said some people had died in the woods on the side of the road. It is believed that the three boys may have been killed or been disappeared because they witnessed the police killing the drug dealer. Both families went to the area on the same day as the incident but could not find the boys. Jafa's family sought assistance from the Village Headman and Lahu Community Leader. Montri's sister visited the Fang Police Station and the Mae Ai Police Station but was told he was not there. The following day she searched in the woods near the area of the shooting and found a pair of shoes (later identified as Jafa's) and Montri's motorbike helmet. Witnesses at the scene said they saw three boys being arrested, however, those witnesses have refused to provide a formal statement or additional information.⁶⁵
- Abdulloh Abukaree, who was disappeared in 2009 in Narathiwat, was protected under the Department of Special Investigations witness protection programme in Bangkok, however,

⁶⁴ Above the Law: Systematic human rights violations by Thai Government officers against Burmese migrant workers in Tak province.

⁶⁵ Lorphah Jahae, a Lahu Community Leader, was taken by a man he and his brother believed to be a police officer when he was on his way to meet the police in regard to the disappearance of Jafa, Montri and Jatipoh. He was held for one day and beaten. His brother paid 26,000 Baht for his release. The events took place on the same day as the disappearance of the three boys. After he was released he was required to continue reporting to the military base in Mae Ai, possibly because the military had received a report that he was involved in the killing at Huay Bon dam. On one occasion, while he was reporting to the military base, the military searched his house and took items of value, saying they would be returned if he was not charged with any crime. Four or five months later he was shot in the head and killed while fixing a water pipe at a local temple. Witnesses reported seeing the police on their way to, and leaving from, the temple at the time of the killing.

after he went to the south to visit his family, DSI had not provided protection. In 2004, he was accused of involvement in the January gun robbery, he was tortured and detained in Bangkok. A case was brought against his torturers by Somchai Neelapaijit prior to the disappearance of Somchai Neelapaijit. Abdulloh was a witness to his own torture. Abdulloh's wife was murdered one year after his disappearance. Their village is in the Red Zone so it is possible that he was taken by insurgents.

In cases involving multiple victims it is possible that only one or two of the individuals who were disappeared or killed were targeted and the others were enforcedly disappeared or killed because they were witnesses to the enforced disappearance or killing of those targeted. This is potentially the case in regard to the three men who were disappeared with Ku-amad Ahbesen in Pattani in 2005 (See page Annex for details) and the three people who were disappeared at the time of the killing of Pichit Ja-Ur, Jaga Ja-Ur in January 2006 in Fang district of Chiang Mai.

d. Activists (environmental, human rights, political)

A wide range of activists face threats and attacks in Thailand. These include journalists, NGO workers (particularly those working with marginalized communities), lawyers, community activists, environmental activists, trade union activists and anti-corruption activists. Thai authorities, particularly security personnel are a major source of threats and attacks on human rights defenders. However, others such as insurgents in southern Thailand and companies also pose a serious threat to human rights defenders. Perhaps the most blatant recent example of threats to human rights defenders in Thailand is current use of the Computer Crimes Act and *Lese Majeste* laws to stifle dissenting views and freedom of expression.

Enforced disappearances of activists are known to have been taking place in Thailand since the June 1991 disappearance of Tanong Pho-an who was Senator, Chairman of the Thai Labour Congress and Deputy Chairman of the International Council of Free Trade Unions Asia-Pacific Regional Office. He was campaigning against the military-government's dissolution of state enterprise labour unions. JPF has documented the enforced disappearance of several activists since Tanong's disappearance.

JPF has documented the disappearance of two anti-corruption activists in Khon Khen province in north east Thailand:

- Songkran Namprom was disappeared on 20 September 1999 after being dropped off by a friend at a hotel where he was to meet a person who claimed that he is a policeman, Chairit Anurit. Songkran was a businessman and former Village Headman in Sila village. He was also an elected official of the government administration office (*O bor tau*). The informant told JPF that at the time of his disappearance he had made a complaint about corrupt business practices of the leader of the Subdistrict Administration Office, who then tried to bribe Songkran and then threatened to kill him. A man who identified himself as a policeman from Bangkok coincidentally arrived at Songkran's house. Songkran told him about the corruption case and the policeman suggested they meet at the Sofitel to discuss the matter privately. Songkran was dropped by an associate at the entrance of the hotel at 4 p.m. on the day of his disappearance. A body was found about a week later in a field in the neighbouring district which appeared to be Songkran. However, a special police unit in Bangkok informed his wife that the DNA apparently did not

match. In the investigation, the police initially refused to investigate and once they did file the case they alleged Songkran had run off with another woman. In the investigation, it appeared the CCTV footage from the hotel had been tampered with.

- Kamol Lausiphaphan was disappeared around midnight on 9 February 2008, from Baan Phai Police Station in Khon Khen province in the north east region of Thailand. Kamol was a businessman in a good economic situation but since 2001 he had focused on helping the community. In 2004, he joined the People' Network against Corruption.⁶⁶ He campaigned for a transparent local administrative election in 2006/7. He then began an investigation into corruption allegations against a local politician in a railway land project which led to him filing a complaint of corruption against the Chief of the Municipality Office (who was also a businessman) and the railway company. He also complained to the Baan Phai Police Station about the Chief of the Police ignoring the corruption. In January 2008, he complained of being beaten by Police Sargent Major Bualambat Sadao and four or five other policemen and asked for witness protection which he never received. The Superintendent of Police apologised to Kamol, but no officers were disciplined. On the day of his disappearance he spent the whole day going back and forth from the police station and was still there at 11.40 p.m. He has not been seen since. His car was found 20 days later parked at a hospital 15 kilometers from the police station. Police denied knowledge of Kamol's whereabouts and suggested he had run away to Cambodia for gambling.

The case of Somchai Neelapaijit, is perhaps the most well-known enforced disappearance that has taken place in Thailand in the last decade. Somchai was a prominent human rights lawyer known for his work on politically controversial cases, including representing individuals accused of terrorism-related offences. He was the chairman of the Muslim Lawyer Club and Vice-Chair of the Human Rights Committee of the Law Society of Thailand (now known as the Lawyers Council of Thailand). In the lead up to his disappearance, Somchai had played a key role in collecting names for a petition of 50,000 signatures to request that martial law be lifted in the south following its imposition in response to the 4 January 2004 gun robbery. Somchai was also asked to represent some of the men accused of involvement in the robbery. The men had been tortured to extract confessions. Somchai made public information about the torture and the perpetrators in a powerful speech on 27 February 2004. He submitted a court petition to have the five men released, which was rejected. The day before his disappearance, 11 March 2004, his law office submitted a petition alleging abuse, to the Ministry of Justice, the Ministry of Interior, the Royal Thai Police, the Attorney General's Office, the National Human Rights Commission, the Prime Minister and the Office of the Senate. On 12 March 2004, Somchai was waiting to meet a colleague Kitcha Ali-Ishak in the lobby of Chaleena Hotel, Ramkamhaeng Road but he did not arrive for the meeting, so at 8.15 p.m. Somchai left in his car. At around 8.30 p.m. witnesses saw another car violently break in order to make Somchai stop his car. Four or five men from the other car forced Somchai into their car and drove off. He has not been seen since. The Committee established by Prime Minister Thaksin to investigate found evidence of telephone communications among five police officers in the same area that Somchai Neelapaijit was present on 12 March 2004, from the morning until 8.30 p.m. on the day he was abducted. It was found by the police investigation team that telephone communications also took place between the five police officers and

⁶⁶ This was in the context of the first wave of the 'Yellow Shirt' movement which was originally a coalition of protestors against Prime Minister Thaksin.

some senior officers, however, this information was deleted in the documents sent to the court. Furthermore, an eye witness confirmed that the man who pushed Somchai into his car was the first defendant, Police Major Ngern Tongasuk. While several senior government officials, including a former Prime Minister, the Attorney General and the DSI investigators, have publicly stated that they have evidence Somchai is dead, his body has never been located, nor were his murderers brought to justice.⁶⁷

In addition to these disappearances of human rights, labour and corruption activists, there is a pattern of environmental activists being killed by state officials and private individuals in Thailand. The Thai Working Group on Human Rights Defenders documented 16 cases of killings of environmental activists between 2001 and 2005. These killings took place throughout the country including in the following provinces: Phuket, Rayong, Phitsanulok, Nakhon Ratchasima, Samut Prakarn, Surat Thani, Chiang Mai, Petchburi, Nakorn Si Thammarat, Khon Kaen, Prachuab Khiri Khan, Lamphun and Ang Thong. Annex II provides a brief summary of these cases taken from the Thai Working Group on Human Rights Defenders report. JPF has not documented this pattern of killings in detail, however, because of the similarity between the extra-legal approach used in these killings to the patterns of disappearances documented in the report, two examples are provided below:

- Jun Boonkoontot was shot and died in hospital on 22 July 1996 in Chaiyaphum province. Witnesses, who came running when they heard shots, said they saw a group of men in police uniforms fleeing the scene. On the morning of the shooting, villagers had submitted a complaint to the District Governor in regard to their then-ongoing protest about the Pong Koonpet dam project. The leader of the protest movement had the same first name as Jun and the father of the victim thought perhaps the perpetrators had planned to kill the protest leader when they killed his son.
- Sumnao Srisongkram was shot dead in May 2003 in Khon Kaen province. Sumnao played a lead role in resistance to a paper factory (Pheonix Co. Ltd.) that was polluting the local area by discharging their waste into the village farmland. On the day of his disappearance he had convened a gathering of villagers in his field to discuss their plan of action. Sumnao was shot as the meeting ended. His wife had gone to the toilet when she heard the sound of gunshots. It is possible the perpetrator had been present during the meeting. The perpetrator, Sombat Thongsamak, was arrested soon after and during his trial he alleged that Somphong Naree, the Subdistrict Chief of Koksoong sub-district had hired him to kill Sumnao. Sombat was sentenced to life imprisonment, but Somphong was found not guilty due to a lack of evidence.

More recently, on 28 July 2011, Thongnak Sawekchinda was shot nine times and killed in front of his house in Samut Sakhon province. He had been a leader in community resistance to pollution from coal depots and separation factories in the area. He had been threatened with death and sought protection from the police, which was not provided prior to his death.⁶⁸

⁶⁷ This summarizes information in the report of the International Commission of Jurists, *Somchai Neelapaijit – Report on Trial & Investigation*, March 2009. See the report for further details.

⁶⁸ See Human Rights Watch, *Thailand – Investigate Murder of Environmentalist: Impunity in Attacks on Activists*, 29 July 2011.

Fears regarding enforced disappearances arose during and after the crackdown on “Red Shirt” demonstrators in April and May 2010 in Bangkok and other provinces. Human Rights Watch⁶⁹ reported that the Mirror Foundation, an NGO group working on missing persons, reported that there were three categories of missing: (1) those who had been killed or injured during the clashes, (2) those who had gone into hiding voluntarily, and (3) those who were believed to be in detention. The NGO reported making good progress in locating either the remains or the living person in regard to the first two categories. However, because the Thai Government refused to make public lists of those detained for several months, it was impossible to clarify if some of those reported missing were detained, dead or enforcedly disappeared. Human Rights Watch documents the story of one protester who was detained with no contact with relatives for two weeks or contact with a lawyer for six weeks (19 May to 3 July). During this period people detained in this manner were essentially enforcedly disappeared. The Peoples’ Information Centre: April-May 2010 (PIC), which took over research on the remaining cases of missing persons from the Mirror Foundation and conducted their own research, found that they have not been able to account for the whereabouts of some people who were reported by the relatives to be missing following the April/May protest period.

Part IV. Remedies

International human rights law guarantees victims of a human rights violation the right to remedies. Through analysis of international and regional law and jurisprudence, the International Commission of Jurists (ICJ)⁷⁰ finds that remedies should include the rights to:

- Investigation;
- Truth;
- Cessation and guarantees of non-repetition; and
- Restitution, compensation, rehabilitation and satisfaction.

These rights are also guaranteed in the International Convention for the Protection of All Persons from Enforced Disappearances: Article 3 and 12 (investigation), Article 24 (truth), article 24 (cessation and guarantees of non-repetition) and Article 24 (restitution, compensation, rehabilitation and satisfaction).

The ICJ further finds that remedies must be practical, effective, prompt and accessible; provided by an independent authority; capable of leading to relief, including reparation and compensation; include a prompt, effective and impartial investigation; and be expeditious and enforced by a competent authority.

Enforced disappearances involve numerous human rights violations. Each violation brings suffering to the victim and the relatives of the victim. By placing the victim outside of the protection of the law through the denial of knowledge of the victims’ whereabouts, the family is placed in a situation of on-going agony of not knowing what has happened to their loved one. They are unable to seek legal

⁶⁹ Human Rights Watch, *Descent into Chaos: Thailand’s 2010 Red Shirt Protest and the Government Crackdown*, May 2011.

⁷⁰ See International Commission of Jurists, *The Right to a Remedy and to Reparation for Gross Human Rights Violations: a practitioners’ guide*, 2006.

redress or begin grieving for their loved one. The relatives are therefore also legally considered to be victims in cases of enforced disappearances and have rights as a result of this.

The Thai Government has signed the Disappearances Convention on 9 January 2012 which is a positive development. The Government must now begin to take practical steps to implement the Convention prior to ratification. However, a lack of political will at senior levels of government is the over-riding reason enforced disappearances continue to take place in Thailand. It is also the reason there is an extreme dearth of investigations into enforced disappearances and prosecutions of those responsible. It also underlines the lack of reparations made to relatives. Until Thailand has a government committed to the protection of human rights, fixing the more technical problems in regard to remedies and reparations will not have the effect of ending enforced disappearances. The Disappearances Convention should serve as a guide as the Government works toward demonstrating its political will to end enforced disappearances and provide remedies for past disappearances.

4.1 Judicial remedies

In 29 of the incidents documented by JPF the relatives provided information on what remedies were most important to them. In 11 of these incidents, the relatives stated that an investigation, prosecution and punishment of the perpetrator, was important to them. Four stated that they needed legal assistance.

First information report

With the exception of two cases, all relatives had filed a first information report with the relevant police station in relation to the disappearance. In two cases the police had refused to file the first information report. In one case the relative was unsuccessful when attempting to file the report on her own and it was only when she returned with a Tambon Administration Official that she was able to have the case officially filed. In at least four cases the relatives were told to come back in one, two or three days to file the first information report as the police could not file the report on the day of the disappearance. In at least five cases the police said the person had probably just chosen to run away, in some cases suggesting the victim had run away with another woman or to gamble. In eight cases the relatives had petitioned to the Department of Special Investigation to investigate the case and in at least four of these eight cases the DSI had rejected the case sighting lack of evidence.

Investigation

In all cases relatives reported dissatisfaction with the police investigation. Relatives reported that usually the police did little more than ask the family a few questions. Relatives thought there were several reasons for this lack of investigation by the police, including: fear of retaliation by the perpetrators, involvement of the police in the disappearance, a lack of resources and an inability to immediately begin the investigation.

Reasons given by relatives for their decision not to file a first information report or not to put greater pressure on the police to investigate included: fear of retaliation, lack of confidence in the police, lack of language skills to communicate with police, rude or difficult police officers when filing the complaint.

Additional problems at the investigation stage relate to limited forensic skills and the lack of independence of forensic experts. While there is a forensic division within the Royal Thai Police, given that the State is often involved in enforced disappearances, the link between the Police and the State makes an independent investigation impossible. In Thailand, there is also a Central Institute of Forensic Science (CIFS) which is under the responsibility of the Ministry of Justice, making it only slightly more independent than the police forensic division. CIFS only has authority to operate on crime scenes in Bangkok and the four surrounding provinces, unless requested by the local authorities in other parts of Thailand. The DSI also has the power to request involvement of CIFS in an investigation. Currently the expertise of CIFS is rarely sought by the DSI or local police stations. In southern Thailand, CIFS is involved in training the military and police on the collection and analysis of forensic evidence, but is not involved in performing post-mortems in the south. Thailand does not have any formally trained forensic anthropologists, a profession which is essential to the identification of human remains, particularly in cases involving skeletonised remains.

Further exacerbating the problems at the investigation stage is the lack of an effective and independent witness protection programme. Only one relative of an enforcedly disappeared person, Angkhana Neelapaijit, has received witness protection from the DSI. Angkhana Neelapaijit has found the DSI witness protection to lack effectiveness in several ways. For example, prior to the second scheduled reading of the Appeal verdict, between 18 -20 January 2011, Angkhana Neelapaijit received approximately 20 phone calls daily in which the caller did not identify himself/herself or otherwise speak and then hung up. When she attempted to trace the call, she was unable to do so. She reported these phone calls to the police and to the DSI on 21 January 2011. On 1 February 2011, the DSI sent a letter to her saying that the calls had come from an internet cafe, but they did not carry out any further investigation.

Prosecution

Only three of the cases JPF has documented are known to have been brought before the courts. In two of those cases, the case was dismissed by the court due to a lack of evidence. In one case, the case of Somchai Neelapaijit, five police officers were accused of minor offences related to the enforced disappearance (coercion and theft) but only one was found guilty. He has since been acquitted on appeal and the family denied the right to appear on the victim's behalf as co-prosecutor. Furthermore, no prosecutions have taken place for the very serious crimes perpetrated by the police and military during the war on drugs.

At the prosecution stage there are several problems. Enforced disappearance is not defined as a crime in Thailand for this reason there is rarely an offence under the criminal code for which an accused can be tried. While Thailand does define offences of homicide, kidnapping and misuse of state power, these constitutive elements of the offence are not able to capture the unique gravity and political nature of the crime of enforced disappearance. For example, kidnapping is not a serious crime under Thai law and only results in a three to six year sentence; homicide requires direct evidence of the death of the victim which is impossible in disappearance cases; and misuse of state power does not properly capture the gravity of the crime. Also inhibiting effective prosecutions is a lack of evidence for use at prosecution stage. These results are in part due to the lack of independent forensic expertise and

limited witness testimony as a result of the lack of an effective and independent witness protection programme.

The case of Ya Jae-Dorlor and Wae-harong Rohing demonstrates some of the problems in regard to judicial remedies within the criminal justice system. The wives of Ya and Wae-harong complained to the NHRCT (case number 127/ 2006, 128/ 2006). The NHRCT sent a letter to the Southern Border Provinces Police Operation Center on 22 July 2011 (letter number Sor Mor 0003/1603) and a second letter on 8 September 2011 (letter number Sor Mor 0003/ Po 389) seeking further investigation. The Southern Border Provinces Police Operation Center replied to the NHRCT stating that the Yala Muang District Police Station accepted the case of Ya Jae-Dorlor and Wae-harong Rohing (case number 586/2005), but after the Yala police investigated they decided not to charge the suspected two police officers from the Crime the Suppression Division, Police Sergeant Major Theeranat Jantano and Police Sergeant Major Viraj Boonchaiyayo. The Attorney General made the same decision. The cases of Ya Jae-Dorlor and Wae-harong Rohing have therefore been dropped.

The case of the six Burmese migrant workers who were arbitrarily arrested, beaten and shot dead by local administrative officials and *Chor Ror Bor* members in May 2003, reflects the potential effectiveness of the Thai criminal justice system to prosecute and punish those responsible for extra-judicial killings. In this case several officials were sentenced to death for their role in the killings.⁷¹

Civil or administrative proceedings

To date, relatives of those who have been enforcedly disappeared have not pursued civil cases; suing the perpetrator.

Seven families have made use of civil court mechanisms which allow for the missing to be declared dead after five years. In four cases this was successful, but in one case the family was not able to secure the death certificate. After an individual disappears, families frequently face obstacles in regard to inheritance and access to the person's assets. The one option to overcome this problem is to seek a death certificate through the civil court, though this can only take place after five years and requires the family to accept that their relative is no longer alive. Malay Muslim women in southern Thailand, face particular difficulties in regard to rights of the surviving wives to the management of matrimonial assets, the rights to lead the family's affairs, child rearing, livelihood and the right to remarry. To date, religious scholars in Thailand have not attempted to interpret Islamic law in relation to enforced disappearances which creates ambiguities and challenges in the lives of Malay Muslim women whose husbands have been enforcedly disappeared in southern Thailand.

In the case of Mayateng Maranor, the Provincial Court of Yala, on 1 November 2011 ordered the Teacher Savings and Credit Cooperative, that he has been a member of, restore his membership and provide his wife and children with the financial benefits accorded to a normal member of the Relief Fund for the Dead. The case is currently on appeal by the Cooperative.

4.2 Right to truth

⁷¹ JPF does not support the use of the death penalty.

Family members and society have a right to know the truth about enforced disappearances. The ICJ finds that “[t]he right to truth entails the right to know the truth, not only about the facts and circumstance surrounding the human rights violation, but also the reasons that led to them and the implicated authors”.⁷² Until the families are provided with information as to the fate or whereabouts of the enforcedly disappeared person, there continues to be an ongoing violation of enforced disappearance.

Among the 29 incidents about which JPF collected data on the family’s priorities in regard to remedies, 19 prioritized knowing the truth about what had happened to their relative. Four families explicitly stated they wanted their relative’s body returned to them. In the cases of enforced disappearance documented by JPF, it was found that in 22 incidents the relatives had sought help or made a complaint to officials other than the police. Assistance was most commonly sought from the village headman, or where the village headman was of a different ethnicity, the assistant village headman or local community leader. Families generally reported that these local officials had been helpful, though some reported a lack of interest. The high number of families seeking additional help outside the criminal justice system reflects their desire to find out the truth about their relative’s disappearance.

In addition at least 10 incidents had been reported to the National Human Rights Commission of Thailand and at least nine incidents reported to the United Nations Working Group on enforced disappearances. This again reflects the families’ interest in exploring all avenues through which they might know the truth of their relative’s disappearance.

Some effort was made to establish the truth in regards to the violence of May 1992 with several governmental, parliamentary and non-governmental investigations undertaken. None of the official reports appointed individual responsibility and Dr Pradit Charoenthaithawi, who was responsible for investigating the missing, wounded and killed for the Government received serious threats. He resigned after he stated that he had been told by military officers that the bodies were buried at military bases.

Two parliamentary committees investigated the disappearance of Tanong Pho-an in the early 1990s. One stated that the probable cause of Tanong’s disappearance was his conflict with the military-Government but said it found no new information. Both refused to make their report public. In June 2000, access to these two reports was requested under the Official Information Act but access was denied on the grounds that release of the information would have an impact on others.

In 2009, The Office of Prime Minister, was established “*The Policy Committee for Compensation of People Affected by Unrest in the Southern Border Provinces*”. Under this “*The Ad-hoc Committee to Coordinate and Investigate the Disappeared and Compensation of Individuals Affected by Unrest in the Southern Border Provinces*” was established. In 2010, The Ad-hoc Committee established a “*Working Committee to Compile Information and Track Down the Disappeared During the Unrest in the Southern Border Provinces*” to work as a subsidiary body of the Truth Seeking Ad-hoc commission. The duties and responsibilities of this

⁷² See International Commission of Jurists, *The Right to a Remedy and to Reparation for Gross Human Rights Violations: a practitioners’ guide*, 2006.

Committee are to: (a) collect and identify information about missing Commission persons in the South, and (b) to present information of missing persons to the Ad-hoc Commission. This Committee has conducted some investigation on already documented cases of enforced disappearances, with the intention of establishing the cases where compensation should be paid. While this is an important element of remedies, bodies that focus on and empower families to establish the truth in cases of enforced disappearance are desperately needed in Thailand.

Given these past experiences of truth seeking mechanisms, there is genuine concern about the ability to establish the truth in cases of enforced disappearances in Thailand. Despite past experience, it is essential that official efforts to establish the truth in cases of enforced disappearances are undertaken. In several countries official, though independent, disappearance commissions have been established.

4.3 Right to restitution, compensation, rehabilitation and satisfaction

The right to restitution involves restoring the victim, in this case the relatives, to the original situation before the enforced disappearance. Compensation should be provided for any economically assessable damage. Rehabilitation should include medical and psychological care as well as legal and social services for the relatives of the enforcedly disappeared. Satisfaction includes: effective measures aimed at the cessation of continuing violations (see below); verification of the facts and full and public disclosure of the truth (see above); the search for the whereabouts of the enforcedly disappeared; an official declaration or a judicial decision restoring dignity; public apology; judicial and administrative sanctions against persons liable for the violations (see above); and commemorations and tributes to the victims.

Of the 29 incidents in which relatives provided information on remedies to JPF, 23 stated that different forms of restitution and compensation were important to them. This included financial support from the Government, educational scholarships for their children, and assistance with job training and employment.

In 17 of the cases of enforced disappearances, excluding the relatives of May 1992 the families of the enforcedly disappeared had received some form of compensation. Cases in which some form of compensation has been provided are mostly in southern Thailand, with the exception of the family of Somchai Neelapaijit and the family of Tanong Pho-an. Relatives of the enforcedly disappeared in the north, west and in Isaan have received no compensation. Some relatives reported that they did not know how or where to seek compensation. JPF found that those with access to some legal aid or NGO assistance had had more success in obtaining some compensation. In 20 of the incidents, the family reported facing economic hardship as a result of the disappearance. In cases where the enforcedly disappeared person was very young and not yet married the family did not report economic hardship at that time. In 19 of the incidents, the family reported experiencing some form of emotional difficulties as a result of the disappearance.

In August 2005, Prime Minister Thaksin established the National Reconciliation Commission under which a Sub-Committee was established with a responsibility to provide compensation for relatives of the disappeared in southern Thailand. This Sub-Committee used lists of the enforcedly disappeared provided by the Young Muslim Association of Thailand and the Working Group on Justice for Peace

(the former name of JPF) to provide compensation of 100,000 Baht and scholarships for the children to 17 families. The case of Somchai Neelapaijit was also included by the NRC because his disappearance was believed to be related to the violence in southern Thailand, as he was at the time of his disappearance the lawyer of victims of torture from southern Thailand.

“The Committee for Compensation of People Affected by Unrest in the Southern Border Provinces” has recommended on 12 February 2012, that in the cases of enforced disappearance 7.5 million Baht be paid to the relatives.⁷³ However, it is very difficult for the families to prove that the perpetrators are the State officers and to date no action had been taken by the government.

In Thailand, victims of crimes may also seek compensation from the Ministry of Justice, however, relatives of the enforcedly disappeared have limited access to this mechanism as enforced disappearance is not defined as a crime in Thailand. Somchai Neelapaijit’s family has received 80,000 Baht from the Ministry of Justice. Normally 100,000 Baht is given for criminal cases but 20,000 Baht was deducted as the responsible Committee said that funeral costs should not be paid.

4.4 Right to cessation, guarantees of non-repetition and prevention

International law requires that not only must a state cease the violation in an individual case, but it must also undertake measures to ensure that they are able to guarantee that the violation is not repeated. In Thailand, the impunity enjoyed by all perpetrators of enforced disappearance shows that the Thai State has not taken the necessary steps to ensure non-repetition. While government policies continue to protect perpetrators, they and others within the government will continue to perpetrate the same crimes. Furthermore, legislation criminalizing the act of enforced disappearance has not been passed. This could be interpreted as a failure to ensure non-repetition.

Existing provisions regarding security legislation continue to create an environment in which enforced disappearances can more easily be perpetrated. To ensure prevention, such legislation must be amended.

Six families of the enforcedly disappeared explicitly stated that they wanted the Government to ensure that disappearances could not happen to anyone else in the future in Thailand.

Part V. Recommendations

The Thai Government should ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

5.1 Legislation

⁷³ The Committee also recommended that 7.5 million Baht be provided to families in the Krue Se mosque incident in Pattani and the murder of football players in Saba Yoi district of Songkhla on 28 April 2004; the Tak Bai protest in Narathiwat on 25 October 2004 and the armed attack on a mosque in Ban Ai Payae in Narathiwat's Cho Airong district on June 8, 2009.

Disappearance legislation

Legislation should be adopted that ensures the following, in line with the Disappearance Convention:

- Criminalizes the offence of “enforced disappearance” with the elements of the crime as: (1) deprivation of liberty, (2) involvement of state agents, and (3) refusal to acknowledge deprivation of liberty;
- Recognition of the continuing nature of the offence and because the offence is continuing the new law can apply to offences which began prior to the passing of the new legislation;
- That statute of limitations start to operate from the end of the offence (i.e. when the alive person regains liberty or when the physical remains of the person are returned to the family), and not from the day of the disappearance;
- Sanctions should be appropriately severe to match the gravity of the crime. Sanctions should be graduated depending on the circumstances, including additional violations experienced by the victim;
- Disciplinary measures should be taken against those accused and found guilty of the offence of enforced disappearances. The accused should be transferred to another governmental post for the duration of the inquiry;
- Command responsibility should be recognized. Where orders have been given by a superior official to carry out a disappearance, that official should also be held accountable regardless of their seniority. Where a superior officer had knowledge of an offence and did not act to prevent the offence or report the offence he/she should be held accountable. If a superior officer should have known but did not know due to his/her negligence then he should face appropriate measures;
- Ensures that amnesty laws or similar measures – whether legal, administrative or judicial in nature – cannot be enacted to exempt perpetrators of disappearances from criminal proceedings;
- Allows for the immediate filing of a first information report and the immediate start to an investigation when an FIR is filed, in which it is a possibility that the missing person is a victim of a crime;
- Criminal investigations should not be carried out by the regular police, especially not by local police officers in the area of the offence. The investigation should be carried out by an institution that is impartial and appropriately resourced. Staff should not be drawn from the regular police force;⁷⁴
- Consideration could be given to the establishment of an independent committee that would involve experts – possibly state officials or retired state officials – which would have responsibility for remedies, victim support and monitoring investigations;
- Guarantees reparations to the relatives of the enforcedly disappeared, including restitution, compensation, rehabilitation and satisfaction. The need for reparation mechanisms at the national level for a range of human rights violations, including enforced disappearances;

⁷⁴ In Thailand this institution is currently the DSI, however it would need to be significantly changed and improved to ensure impartiality and effectiveness as an investigatory body. For example, concerns were raised about their use of local police officers, the long delays in their investigations and their lack of impartiality. In addition, JPF’s research indicates that DSI has rejected most of the disappearance cases in which relatives petitioned them to investigate (DSI has accepted only Somchai’s and Kamon’s cases). In the cases DSI has accepted there has been extraordinarily limited progress made.

- Protects and advocates the right of the relatives to act as co-prosecutor;
- Provides families with the right to seek a court order to force authorities to reveal certain information about the disappearance; and
- Enables the provision of a “missing persons” certificate, that would enable to next of kin to take control of the person’s assets;

Witness protection legislation

Thailand’s witness protection legislation should be amended to ensure it meets international best practice, particularly with regard to protecting of witnesses of human rights violations.⁷⁵

Legislation related to detention

The Martial Law and the Emergency Decree should be amended to ensure compliance with international human rights law regarding detention as, for example, which is included in the Disappearances Convention:⁷⁶

- Use of administrative detention should be limited to situations where there is a temporary, direct and imperative security threat; and that administrative detainees are presumed to be innocent of any criminal offence and treated accordingly;
- Requirement that any person arrested in an emergency must be brought promptly before a judge (within 48 hours) and that all detainees and those acting on their behalf have the right to challenge the legality of the detention before an ordinary court (*habeas corpus*);
- Detainees should only be held in recognized places of detention, known to the outside world, with regularized procedures and safeguards to protect detainees; and
- Detainees are guaranteed the right to immediately access a lawyer of their choice, to inform their family of the arrest and to receive medical assistance and visits from their family.

Section 21 of the Internal Security Act should be amended to ensure that: (a) only those who are believed to have commissioned an offence are labeled “accused”; (b) no person be ordered to attend a training camp on the basis of peaceful actions; and (c) all aspects of attendance of a training camp should be scrutinized by the judiciary.⁷⁷

“Good faith” clauses

⁷⁵ Details of international best practice in the protection of witnesses of human rights violations can be found in International Commission of Jurists, “Witness Protection in Nepal: Recommendations from International Best Practices”, August 2011. See specifically, Annex II: Best Practice for the Development of a Witness Protection Framework, p. 40-88.

⁷⁶ The recommendations are draw from the extensive analysis of Thailand’s security legislation by the International Commission of Jurists. See *More Power, Less Accountability*, August 2005; *Thailand’s Internal Security Act: Risking the Rule of Law*, February 2010.

⁷⁷ For a detailed analysis of concerns regarding Section 21 of the ISA see *Thailand’s Internal Security Act: Risking the Rule of Law*, February 2010, p. 44-57.

Immunity from criminal, civil or disciplinary action provided in Section 17 of the Emergency Decree should be repealed.

5.2 Detention records

Ensure that national laws regarding the record of detention of an individual are followed. Require that all detainees be held in regular places of detention and that accessible, accurate, complete and fully up-to-date lists of detainees are prepared, including, as a minimum, the information set out in the Disappearances Convention (Article 17 (3)). Ensure that families, lawyers and civilian authorities, such as the NHRC, are informed of the detention.

Provide training to officials on the Disappearances Convention.

5.3 Investigation procedures and prosecution

Police

Police should immediately file a first information report and immediately start an investigation when an FIR is filed, in which it possible that the missing person is a victim of a crime.

Police should treat all individuals reporting possible crimes with respect and dignity. The police should make available translation services. Such services should be immediately available in geographical settings where large portions of the local population use a language other than Thai as their first language.

Police should rapidly refer cases where there is suspicion of involvement of government officials to the Department of Special Investigations.

Police and DSI should invite the official participation of the Central Institute for Forensic Science in forensic aspects of investigations. Where the perpetrator is suspected to be an official it will be important in the longer term to establish an independent forensic organization.

Police and DSI should ensure protection of witnesses, and refer the case to the Witness Protection Programme in all cases where there is a risk to witnesses. On the longer term, it will be essential to establish an independent and effective witness protection programme in Thailand.

Enforce legislation related to the criminalization of destruction of evidence.

Forensic

An independent forensic science and medical institute should be established in Thailand with sufficient expertise and resources to ensure accurate and timely analyses of forensic evidence, especially related to crimes involving government officials.

Until such time as an independent forensic science and medical institute is established in Thailand, CIFS should be invited by the DSI and the Police to take part in all investigations where the suspected perpetrator is a government official.

Forensic anthropology skills should be developed in Thailand to ensure sufficient local expertise necessary to identify and analyze skeletal remains for criminal prosecutions.

Where the enforcedly disappeared person is suspected to be dead, the location of alleged burials should be identified and recorded. The necessary technical mechanisms required to professionally exhume bodies should be put in place and conducted within the framework of an official investigation.

Prosecutors

The Public Prosecutor should play a more active role in seeking court action in regard to enforced disappearances, in line with the powers provided to the public prosecutor under Article 32 of the 2007 Constitution.⁷⁸

5.4 Victims' rights

Ensure all relatives have access to legal assistance.

Recognize relatives' right to appear as co-prosecutor.

Where gravesites are to be exhumed and human remains identified, ensure respect for the rights of the relatives of the enforcedly disappeared by keeping them fully informed at all times and respecting their dignity, particularly during the exhumation. Ensure the respectful return of identified human remains to the correct relatives, and where necessary, assist the family with culturally appropriate arrangements regarding the remains.

Ensure relatives are provided with the necessary assistance and protection to ensure their wellbeing and security.

Recognizing the right to truth and establish a commission of inquiry to look into specific incidents or patterns of disappearances and other related human rights violations, such as:

- ongoing disappearances related to suspicion of involvement with drugs
- the human rights violations that took place in Chiang Mai province in 2003
- ongoing disappearances and killings of activists

And where commissions of inquiry have been established in the past such as The Ad-hoc Committee to Coordinate and Investigate the Disappeared and Compensation of Individuals Affected by Unrest in the Southern Border Provinces; ensure sufficient resources to allow these commissions to work

⁷⁸ Article 32 of the Constitution states that: "A person shall enjoy right and liberty in his or her life and person ... In the case of the act affecting the right and liberty under paragraph one, an affected person, a public prosecutor, or other person acting on behalf of the affected person has the right to seek court action to stop or withdraw such an action including to determine proper measure or remedy for the accrued damage".

effectively. Make public the findings and recommendations of commissions of inquiry and implement the recommendations.

The National Human Rights Commission of Thailand should play a far more active role in investigating cases of enforced disappearances throughout Thailand. To achieve this, the NHRC should establish permanent field offices in each region of Thailand, with satellite offices in areas experiencing disproportionately high numbers of human rights violations such as in Tak province, Chiang Mai province, and the three southernmost provinces of Thailand, Pattani, Yala and Narathiwat. The NHRC should play a more active role in pressuring the government to investigate and prosecute cases of enforced disappearances.

Establish a national reparations commission for human rights violations that is mandated to provide reparations for material and moral damage suffered and prompt, fair and adequate compensation to victims. This commission should also be empowered to establish public memorials in cases of human rights violations. It should also have the power to recommend the Government to publically recognize the harm suffered as a result of the human rights violations.

Until a national reparations commission is established, relatives of the enforcedly disappeared throughout Thailand should be equally provided with financial compensation, education and employment support, medical and psychological support. Such reparations programmes should be designed in such a way as to recognize the particular hardships women face when their husband is enforcedly disappeared.

5.5 Specific cases and patterns

In all cases of enforced disappearances there should be: (i) a prompt, thorough and independent investigation and prosecution of the accused; (ii) an establishment of the truth; and (iii) provision of reparations to the victim(s). The recommendations below regarding specific cases, do not diminish the obligation the Thai Government has to provide justice, truth and reparations in all cases of enforced disappearances.

Responding to insurgency in southern Thailand

The Government should review its policies in response to the insurgency in southern Thailand that are contributing to the practice of enforced disappearances, specifically:

- Detention provisions in the Martial Law, Emergency Decree, Internal Security Act and Criminal Procedure Code should be brought in line with international human rights standards.
- The use of blacklists based on limited investigations should be discontinued.
- The practice of “invitations” for suspects that lack judicial safeguards should be discontinued.
- Use of arrest warrants during arrest should be the norm.
- The militarization of society through the strengthening of civilian defence forces should be reviewed and limited.

Payment of compensation in the cases of enforced disappearances, as recommended by the Committee for Compensation of People Affected by Unrest in the Southern Border Provinces, should be

prioritized, as a demonstration of commitment to respecting the rights of victims of offences by the security forces in southern Thailand and as a step toward improving relations with the Muslim community. A mechanism through which victims not included within these cases can receive compensation, should be rapidly established.

In cases documented in this report relating to the government's counter-insurgency policy in southern Thailand, where there is evidence indicating potential perpetrators; investigations and prosecutions should take place.

The forensic investigation in the case of Budiman Woni should be re-opened and scientific methods should be used to determine if the body that officials believe to be Budiman Woni is in fact really his. If it is necessary for an exhumation to take place it should be conducted by independent and suitably qualified experts – where necessary international assistance should be requested. The rights of Budiman Woni's family should be fully respected throughout this process.

War on Narcotic Drugs and drug related

The Government should reinvestigate all killings and other human rights violations during the 2003 War on Narcotic Drugs. Perpetrators of extra-judicial killings should be prosecuted and command responsibility should be investigated to ensure those in senior positions who contributed to the crimes that took place during the war on drugs are also prosecuted.

An investigation into the crimes that took place in and around Chiang Mai should be conducted and rangers, soldiers and officials responsible for the crimes that took place there in 2003, prosecuted.

Jahwa Jalo's body should be exhumed as part of a formal criminal investigation into his murder. The exhumation should be conducted by independent and suitably qualified experts, where necessary international assistance should be requested. The rights of Jahwa Jalo's family should be fully respected throughout this process and his remains returned to them as soon as possible.

The Government of Thailand should avoid ethnic profiling in drug-related policies.

Relationships with security officials

The Government should overtly discourage criminal behavior of government officials, particularly in relation to drug smuggling, people trafficking, extortion and illegal lotteries. This behaviour should be discouraged through:

- Suspension of police, military or government officials suspected of such behavior during investigation;
- Prosecution of those alleged to be involved in such behavior and sentences suited to the severity of the crime; and
- Removal or dishonourable discharge of the individual from their position if found guilty.

Ensure that criminal prosecutions are pursued for officials alleged to be involved in corruption, in addition to investigations under the National Anti-Corruption Commission (NACC). Ensure where

there is evidence of criminal activities that criminal investigations are not stalled as a result of investigations by the NACC.

In cases documented in this report resulting from a victim's relationship with an official, where there is evidence indicating potential perpetrators; investigations and prosecutions should take place.

Activists

The Thai Government should reiterate its commitment to upholding the rights to freedom of expression, association and assembly. The Government should also reiterate its commitment to protecting the rights of human rights defenders and educate its officials, including the security forces, on the rights of human rights defenders.

In cases documented in this report resulting from a victim's work as a peaceful activist, where there is evidence indicating potential perpetrators, investigations and prosecutions should take place.

The forensic investigation in the case of Songkran Namprom should be re-opened. An independent and suitably qualified expert should re-examine the remains the family alleges to be that of Songkran Namprom. Where necessary, international expertise should be sought.

Annex I: Case of enforced disappearances documented by JPF

WEST

Incident 1

NAME: Mr X and Mr Y (withheld on request)

DATE OF INCIDENT: 25 April 2001

APPROX. LOCATION OF INCIDENT: withheld on request

DATE OF REPORT: 4 August 2011

ADDRESS OF VICTIM: Western Thailand

AGE OF VICTIM: 27 and unknown, respectively

ETHNICITY: withheld on request

SUMMARY OF TESTIMONY: Mr X was a crop farmer. On the morning of April 22, 2001, he told his wife that he had to drive to a province in central Thailand to change his residency and motorbike registration to the province where he now resided. He said his older brother, Y, was accompanying him on the six-hour journey. The men never returned and X never got to see his daughter grow up – she was one-month old at the time. When JPF interviewed X's wife in August 2011, the daughter had just turned 10 years old.

Two days after the brothers had left (April 25, 2001), X made a desperate call for help to his other brother. He explained that he had been taken by a group of men and that they were now standing on a bridge. In the background, the brother heard someone shout at X for speaking in his native language and then the phone cut. After the call was disconnected, the brother tried calling the same number again but could not get through. The day before, X had called home to say that everything was going well and he would return the following day. He even mentioned buying a wedding gift for his older sister.

As far as his wife knew, X had never been involved with law enforcement agents, nor did he have enemies or conflict with anyone. She had, however, overheard her husband talk with his older brother about his business in the central province; he said he had once been to the house of a client and had seen pictures of persons in police uniforms. X's wife knew that before moving to the province where they lived in Western Thailand, X was studying in the central province whilst residing at a temple, but it she did not question him about the content of the phone conversation as she did not like involving herself in her husband's business.

After reporting the brothers' disappearance to the police, 20 family members went looking for them in the central province. The mission was led by X's father and other brother. X's wife did not join as she had recently given birth. The family went looking at the police station and around X's old living quarters at the temple. There has been no news of the men's whereabouts. The large motorbike was also never recovered.

OFFICIAL ACTION: Two days after X's call for help, his family reported him missing at the police station in their home district. The police filed a missing person's report, along with a missing property report relating to the motorbike, on 8 May 2001. The family also reported their disappearance at the city police station in the central province X and Y had visited – this police also filed a report. There has been no further information in this regard from the police.

On 26 October 2009, the Provincial Court of the central province ruled that X is a missing person according to the law.¹

On 12 April 2010, the Provincial Court ruled that X's wife be named legal representative of the finances and property of X. Because the two had not been legally married (but only according to tradition) she was not able to access the bank account where all their savings were kept.

Incident 2

NAME: unknown

DATE OF INCIDENT: 2006

APPROX. LOCATION OF INCIDENT: Labour Protection Office, Mae Sot district, Tak province

DATE OF REPORT: 4 August 2011

ADDRESS OF VICTIM: western Thailand

AGE OF VICTIM: unknown

ETHNICITY: withheld on request

SUMMARY OF TESTIMONY: A local NGO was assisting migrant workers from a ceramic factory, which was part owned by a member of the Thai Army, in negotiations with their employer regarding bad working and living conditions. The workers selected a representative from among themselves to represent them in discussions with the factory.

Both the employer and the workers went to the Labour Protection Office for a meeting. Their chosen representative went into the Office to begin the negotiation, however a policeman in uniform came and arrested the representative. He has never been seen again and the local NGO believes he was enforcibly disappeared.

The other workers continued to be harassed, even while staying in a safehouse, by the factory's part-owner from the Thai Army.

¹ Article 61 of the Thai Civil Code

OFFICIAL ACTION: The other workers went to the police detention centre to find him, however the police said they had already released him because they just wanted to ask him a few questions.

Incident 3

NAME: Ms Tin Sho Ae, Mr Too Ong and Ms Naw Kah Lai (husband and wife), Mr Tee Doe, Ms Mur Sae Sae and Mr Jaw Ooh (husband and wife), Ms Ma Jong Ae, Mr Da Glur and Ms Ae Shoo

DATE OF INCIDENT: 23 January 2010

APPROX. LOCATION OF INCIDENT: Phop Phra district, Tak province

DATE OF REPORT: 2 August 2011

ADDRESS OF VICTIM: Pha-an town, Karen State of Myanmar

AGE OF VICTIM: some 28² and the rest unknown

ETHNICITY: Karen (migrants from Myanmar)

SUMMARY OF TESTIMONY:³ Jaw Sa (informant and survivor) said that on 19 January 2010, he left his home in Burma to enter Thailand through the Myawaddy-Mae Sod route. He explained that before leaving for the border there was a broker in his village looking for labourers to work in Thailand. He said the trip leader's name was Tanipler and there was another man named Jaw Pi. Jaw Sa, along with 12 other people (both men and women), enrolled in the man's offer. Everyone rode the Kaw Kareik-Myawaddy⁴ bus, travelling for a day and arriving in Myawaddy on 20 January 2010. They all stayed in Myawaddy for two days.

On 22 January 2010, at around 5 p.m., Jaw Pi and Tanipler took Jaw Sa and the other migrants to Chong Kab village (Phop Phra district, Tak Province Thailand) by following the Moei River. The trip took an hour. Once they had arrived, they all stayed at Chong Kab village for two nights (22 to 23 January 2010).

On 24 January 2010, at around 8 p.m., Tanipler took Jaw Sa and all of the other migrants on a boat to travel to Thailand, with the goal of reaching Baan Pha Kha Kaw, Phop Phra district in Tak province, after 48 km. After which, they all got off the boat and travelled on foot along the edge of the border checkpoint (Jaw Sa did not know the name of the border checkpoint), in the hope of getting into Khampeng Phet province. After walking for about 30 minutes, gunshots were fired at the group. Jaw Sa and the other migrants ran to escape the shots, not knowing who was firing at them. Jaw Sa, Aplio, Tanipler and another man (a mute, whose name is unknown) managed to escape. Jaw Sa urged the other two to go back to the scene to see if anyone was hurt and try to find out what had happened, but Tanipler was afraid that it would not be safe to do so, so they kept walking for another three days. Along the way, they came to a hill tribe village where they bought food. They walked all the way to Khampeng Phet province, where a car was waiting to pick them up. Jaw Sa and Aplio

² Ms Tin Sho Ae, Mr Tee Doe, Ms Mur Sae Sae and Mr Jaw Ooh

³ JPF was given permission to use information from the Labour Law Clinic.

⁴ The *Kaw Kareik-Myawaddy road* is about 40 km to the west in the Karen State.

were taken to Saraburi province, and the man who was mute was sent to a rice mill in Khampeng Phet province. Jaw Sa was unsure of where Tanipler went.

The Labour Law Clinic, a Mae Sot based non-governmental organisation, provided information that “the police had received reports from villagers that they had found two bodies at Mon Hin Lek Fi village, in Mae Sot district.” Two more bodies were found kilometres away at Pa Kah village (close to Pha Ja Rern waterfall, Phop Phra district). Another body was found 51 km away, and two more bodies were found 57 km away. Altogether seven bodies were found dead more or less in the vicinity of Mae Sot district, and on 1 February 2010 there was news that another body had been found, but there was no information as to the location and no one came forward to provide enough information to lead to its retrieval.

Jaw Sa was searched for by the police and brought in for questioning. He is currently in the care of authorities in Mae Sot district.

The Law Clinic met a man by the name of Misow, who said he came from the same village as all of those who had died. Misow had gone to Myawaddy on business, and said that the families of the nine victims had come together to Myawaddy to wait for news of their relatives.

Misow was told by one of the relatives of the victims that “before Mr Tanipler left Khampeng Phet province to return to Myawaddy, he had contacted the relatives of the victims and told them that all nine had been arrested by the police, who wanted 600 Baht per person for their release, so he was coming back to Myawaddy to collect the ransom money, but that the rest of the group had made it to their destinations.”

Misow had received information that Tanipler had travelled and reached Myawaddy to collect the ransom money and secure the victims’ release, but that when he was in Myawaddy he heard that there were Burmese labourers who had crossed to Thailand and been shot dead in Phop Pra district in Tak province. Misow said Tanipler did not believe that those who were killed were the same people that he had taken across the border.

Tanipler then went to Mae Sot passing Mae Tow and Baan Rai villages, and that was the last time that anyone saw or heard about him.

On 31 January 2010, after news of the found Burmese bodies was released, a policeman committed suicide. The name of the policeman who committed suicide was Police Senior Sergeant Major Somchai Pinkaew⁵. He was the chief at the border checkpoint kilometre marker 48, Po Pra district, Tak province. After searching his house, the police found a .22 calibre gun, along with other unidentified weapons. This was of the same calibre as the gun shells found at the scene of the murders of the Burmese labourers. At the beginning of the investigation, the investigators suspected that this police officer was involved in the shootings of the Burmese labourers. The investigation is currently still under way; they are looking for more evidence and witnesses.

Of the 12 people who set out seven dead bodies have been recovered, three people survived and two people remain missing.

OFFICIAL ACTION:

⁵ <http://www.manager.co.th/Home/ViewNews.aspx?NewsID=9530000016135&Keyword=%BE%C1%E8%D2>

The Labour Law Clinic acted as facilitator for the victims' families during the investigation process and sued the police officials on the migrants' behalf. Police Senior Sergeant Major Somchai Pinkaew and another five perpetrators were found guilty. Somchai committed suicide, while the other five escaped to Burma. The case is still under way.

NORTH

Incident 4

NAME: Mr Ja-uer Pawlu

DATE OF INCIDENT: 25 October 2002

APPROX. LOCATION OF INCIDENT: near Ang Kang Mountain, Fang district, Chiang Mai province

DATE OF REPORT: 23 September 2011

ADDRESS OF VICTIM: 974 village no.5, Monpin sub-district, Fang district, Chiang Mai province

AGE OF VICTIM: 32

ETHNICITY: Lahu

SUMMARY OF TESTIMONY: On 25 October 2002, Mr Ja-uer Pawlu went to see friends. His wife was at home when she heard that her husband was taken along with two of his friends. Many people saw the incident occur on the way to Ang Kang Mountain. Eyewitnesses said the vehicle looked like it had the Thai Narcotics Control Board markings on it and believed the officers worked for the government because they carried guns. They took Ja-uer and two of his friends, as well as his motorcycle.

An informant said that Ja-uer's two friends had previously been caught with amphetamine samples. A different friend of Ja-uer worked as a drug scout allegedly for the national control officials. It is possible that the disappearance of Ja-uer's two friends and Ja-uer was part of an undercover operation involving the friend who worked as a scout and the Thai Narcotics Control Board.

OFFICIAL ACTION: Ja-uer's family searched for him in many army camps in Mae Ai and Nong Ook in Chang Dao. They also reported the case to the Fang Police Station.

Incident 5

NAME: Mr Jafa Jahay, Jatipoh Lungtha and Mr Montri Jagea (formely Mr Jatee Jagea)

DATE OF INCIDENT: late May 2003

APPROX. LOCATION OF INCIDENT: along the road between Huay Mayom and Huay Bon villages, near the Huay Bon water reservoir dam, Viang sub-district, Fang district, Chiang Mai province

DATE OF REPORTS: 27 July 2011

ADDRESS OF VICTIM: village no.13, Huay Mayom village, Vieng sub-district, Fang district, Chiang Mai province

AGE OF VICTIM: 14, unknown and unknown, respectively

ETHNICITY: Lahu

SUMMARY OF TESTIMONY: One morning in late May 2003, along the road near the Huay Bon water reservoir dam, 14 year old Mr Jafa Jahay, and rice farmer Mr Montri Jagea, were allegedly arrested after having witnessed a drug raid during which the police shot at drug offenders and at least one person died as a result. That day, neither Jafa nor Montri came back to their respective families. Furthermore, their families were never informed of their arrest; the information came from a fisherman who had been fishing at the dam and saw the incident from a distance. The fisherman also spoke of a third passer-by being arrested – someone later identified as being Mr Jatipoe Loongtah.

The eyewitness to the incident went to tell what he saw to other villagers. The information was passed by ear-to-mouth, which is how the families of the victims came to know about the shooting and subsequent arrest of their relatives in the forest near the road that links Huay Mayom and Huay Bon villages.

That morning, after finishing his chores at the family farm in Huay Mayom village for the day, Jafa Jahay rode his motorcycle to the neighbouring Huay Bon village to watch TV at his friend's house (Jafa mother explained that during that period there was no electric power in Huay Mayom village and that it was not uncommon for Jafa to be absent all day and return home in the evening). He never made it to Huay Bon village.

On that late May 2003 morning, Montri Jagea left the house at around 8 a.m. on his way to invite his friend back at his house for lunch. His friend lived in Huay Bon village. As he left, Montri told his wife to start preparing the food. According to the friend, Montri made it to Huay Bon, but because his friend was not home he waited a little while, then told the friend's daughter to inform her father of his visit and left. He must have been intercepted on his way back to Huay Mayom village.

By around 9 or 10 a.m., Montri's wife Nahaw started getting worried as Montri was taking longer than expected. She decided to go to the place people said there had been shootings. She searched for hours along that road, through Fang until Mae Ai district. She even asked police along the way if they were aware of a Mr Jagea being recently arrested – they said they were not.

Jafa's family waited until the evening before starting to get worried. They thought Jafa was safe watching TV all day and only expected him back in the evening. His older siblings went to ask around Huay Bon village if anyone had seen him. Jafa was nowhere to be found so his mother, Ms Nacur Ja Hay, told the Lahu tribal chief and the Village Headman about the incident.

Montri's wife told the Village Headman about her husband's disappearance around noon on the same day of the incident. She and villagers went out searching for the victims where the reported incident took place, they also went to the Fang and Mae Ai police stations. The next day, Nahaw went to the place of shooting again, and looked in the forest more thoroughly. This time she found a pair of shoes and not far away she found the helmet Montri wore when riding his motorcycle. The pair of shoes was later identified as belonging to Jafa Jahay.

OFFICIAL ACTION: Jafa's family did not report the incident to the police knowing that they were unlikely to help for a crime they committed.

Both families reported the disappearance to the Lahu Association when they came in 2009 to gather information on villagers (most of whom of Lahu ethnicity) who had their rights violated.

Incident 6

NAME: Mr Jahwa Jalo

DATE OF INCIDENT: October 2003

APPROX. LOCATION OF INCIDENT: lychee orchard between Pong Hi village and Huay Ma Yom village, Mae Sao sub-district, Mae Ai district, Chiang Mai province

DATE OF REPORTS: 26 and 28 July and 23 September 2011

ADDRESS OF VICTIM: 23 village no.15, Ban Pong Hi village, Mae Sao sub-district, Mae Ai district, Chiang Mai province

AGE OF VICTIM: 56

ETHNICITY: Lahu

SUMMARY OF TESTIMONY: Lahu tribal member, Mr Jahwa Jalo, was disappeared one morning in October 2003 as he was picking lychees in an orchard between Pong Hi village and Huay Ma Yom village.

The victim's daughter was the first member of the family to hear about her father's disappearance. On the same day of the incident, she received a phone call from a villager, who explained what had happened (she had herself been told about the incident by an onlooker). An individual was identified as being responsible. It was reported that he and a group of rangers in black uniform (witnesses identified the commanding officers by name) came in a six-wheel truck and took Jahwa away without reason. At the time, a female worker was with him, but she was not harmed.

Ms Nalorkha Jasor, who was in the field with Jahwa the day of his disappearance, explained that it was around 5 p.m. in the afternoon when the soldiers came. There were about 30 of them. They were wearing black uniforms and red scarfs. There were six workers in the lychee orchard (owned by Mr Ja-Ee Ja-Hay) at the time, but the other four were further away from Ms Jasor and Jahwa. The soldiers came firing their guns in the air and at the people. The workers ran in every direction. Ms Jasor and Jahwa were caught up by a soldier who started beating them. They two fell to the ground and were kicked some more. After this, the soldiers tied the

two orchard workers' hands behind their backs and took them to the village where the soldiers had parked their vehicles. When they arrived, one of the head officers asked the squad leader "what contraband did you find", and the squad leader replied "we didn't find anything." The commanding officer then asked "then why did you apprehend them?" The squad leader then turned to Ms Jasor and asked her if Jahwa was her boyfriend – she replied "no." The soldier then asked if Jahwa was the owner of the orchard and if anyone had seen Mr Ja-Hay (the actual owner) – he replied she did not know. The commanding officer ordered Ms Jasor be released and Jahwa put into the vehicle. The last thing Ms Jasor can remember about Jahwa is him being stepped on the neck until his tongue stuck out – there was a lot of blood she says.

The victim's daughter, Ms Na-der, returned home from Lumphun as soon as she heard about her father's disappearance. She went to look for him at the army camp base in Mae Ai district the following day because that is where the Village Headman's wife had said he was being held. At the gates, soldiers told her that her father had been released already. She enquired again two days later and was told that he had been moved to Mueang Chiang Mai.

A Mr Jah Pe Po (also known as Mr Pa-ae Keaso) had been detained at one of the detention for ten days when Mr Jalo was brought in. He said many villagers from Huay Ma Yom village arrived at the same time as he did. According to his fellow prisoner, Jahwa was blindfolded like the other new inmates, but was the only one with handcuffs on. The description of the clothes he was wearing matches the clothes his family said he wore every day for work: long black trousers and a T-shirt. Mr Pe Po added "I think Mr Jahwa had already been beaten because he had no strength left, but he wasn't bloody."

Mr Pe Po then overheard the soldiers accusing Jahwa of shooting at them (although the gun never fired so no one died). Mr Jalo was beaten again in front of the other inmates. After which, Jahwa was placed in the middle of the marching field and 40 prisoners were forced to line up to kick Jahwa twice. The victim was doused with water and left on the field.

A while later, Mr Pe Po was ordered by soldiers to go check his condition: he was in a critical condition. Still, Mr Pe Po was ordered to douse and kick Jahwa again. Half an hour later, Jahwa had died. According to Mr Pe Po, the victim's body was buried in the Doi Lan national park of Mae Ai district. Mr Pe Po and other prisoners were forced to help getting rid of the body that night. Four officers were involved (JPF was provided with the names of two officials involved).

The victim's body was placed at the back of the truck (a Toyota Tiger) with the other live prisoners. Mr Pe Po recalls that they left the military barracks at around 8 p.m. and arrived at the place of burial at around 9 p.m. A pit was dug. Mr Pe Po said that the official poured whisky over the victim's body and then performed a traditional Buddhist ceremony. The body (draped in a sheet) was pushed into the pit. More whisky was poured over and one official shot two full magazines of bullets from his gun (a 9 mm hand gun) into Jahwa's head, chest and legs. More whisky was poured, the pit was covered and a large branch was placed on top. The soldiers drove the prisoners back to the barrack.

The victim's wife, Ms Na-eur, said that Jahwa had never had dealings with the police; he had never been arrested and had never been called into question. Although he had some history of using opium, it had been a long time since he last used. She did not comprehend why her husband was targeted in such a brutal way.

The victim's wife would like to find her husband's body as she prefers that he be buried according to Lahu beliefs.

OFFICIAL ACTION: The victim's younger brother went to report the death at the Mae Ai police, but they refused to file the formal documents. In comparison, the victim's wife did not report to the police as she knew their 'kind' had been responsible for the victim's fate. Nor has the family notified the Village Headman, village elders or community overseer. Nor has the family received or asked for compensation.

Incident 7

NAME: Mr Japa Janu

DATE OF INCIDENT: October 2003

APPROX. LOCATION OF INCIDENT: 321 village no.3, Tadmok village, Mae Ai district, Chiang Mai province

DATE OF REPORT: 26 July 2011

ADDRESS OF VICTIM: 321 village no.3, Tadmok village, Mae Ai district, Chiang Mai province

AGE OF VICTIM: 31 (approx.)

ETHNICITY: Lahu

SUMMARY OF TESTIMONY: On an afternoon in October 2003, agricultural labourer, Mr Japa Janu, was taken during a raid in Tadmok village. It is believed the authorities were targeting people working on opium plantations. He was taken simultaneously with four other villagers. Mr Janu has not been seen since the incident.

The victim's younger sister, Ms Sopa Jawa, witnessed the incident from a distance – at the time she was just across the road at a community center making broom heads. Japa was at his home at 321 Tadmok village, when suddenly five vehicles (some with roof-mounted machine guns) stopped and 20 men got out. From the different uniforms they were wearing, Sopa gathered that there were at least four different agencies involved in the raid, including sub-district officers, the Village Headman, the police and the army.

Villagers who were in the direct vicinity ran away as the assailants started capturing people. Those responsible for Japa's arrest were wearing black uniforms and red bandanas. Four other men were arrested, but Sopa could only identify them by their first names: Aesor, Loryee, Jasee and Pasae.⁶ Sopa said that the officers beat the captives in front of everyone before loading them onto trucks.

Sopa told JPF that Japa was an opium user and liked to occasionally smoke with his friends. However, she was adamant in the fact that himself was not a dealer and had never been arrested in relation to his addiction; she

⁶ The families of these four individuals have not enlisted the help of or submitted their case to JPF. This report only concerns Mr Japa Janu.

only knew that one of Japa's friends named Jaha was an opium seller. Unfortunately, an undercover officer (name provided to JPF), working as a spy in the Tai Yai orchards, had been to Japa's house the day before the arrest and had found him in a compromising position: he was dividing-up opium that he had bought from Jaha. Japa refused to sell the spy any.

The families of the five detainees tried to see their relatives together at the local army camp (Malika Ranger Camp) but were told that they had been taken to another camp in Chiang Mai province. Two days after the incident, the relatives of the other four detainees were able to meet their detained relatives on a second visit to Malika Ranger Camp, however, Japa's family were told he had been sent to Chiang Rai for detention.

However, the family of the man called Aesor informed Sopa that Aesor had told them that Japa had been placed in the same underground cell as their family member. Japa's family came to know that Japa was being tortured using electrocution and had been forced to admit to methamphetamine charges. Unfortunately, after three days and two nights of non-stop interrogation, Japa had died. Aesor was himself threatened with death by the officers responsible for Japa's demise if he ever spoke about what he had seen.

OFFICIAL ACTION: Japa's family reported the raid and Japa's ultimate fate only after the other four detainees had been released. They went to see the police at Mae Ai. They also sought for the help of the sub-district headman but to no avail.

Japa's family submitted a request to get his death certificate, but have been unsuccessful due to the lack of a body.

Incident 8

NAME: Mr Pichit Ja-Ur, Mr Jagaa Ja-Ur, Mr Jaga Ja-Ur, Miss Nasee Ja-Ur and Mr Jatea Ja-ha

DATE OF INCIDENT: 31 January 2006

APPROX. LOCATION OF INCIDENT: on the road connecting Fang and Chiang Mai districts (Route 107), Chiang Mai province

DATE OF REPORT: 27 July 2011

ADDRESS OF VICTIM: 718 village no.15, Nong Pai village, Monpin sub-district, Fang district, Chiang Mai province

AGE OF VICTIM: 23, 25, 20 (approx.), unknown and 33, respectively

NATURE OF CRIME : Enforced disappearance⁷ and extrajudicial killing⁸

ETHNICITY: Lahu

⁷ With regards to Mr.Jaga Ja-Ur, Miss Masee Ja-Ur and Mr.Jatea Ja-ha

⁸ With regards to Mr.Pichit Ja-Ur and Mr.Jagaa Ja-Ur

SUMMARY OF TESTIMONY: On the January 31, 2006, a Toyota Tiger pickup truck was chased by two Toyota Vigo pickup trucks (without markings) down Route 107. The last vehicle circled and stopped in front of the first. The men who got out of the Toyota Vigo (exact number unclear) were not wearing any uniform or insignia, but were armed with handguns. They swiftly forced the five persons out of the car that they had been made to stop. The eyewitness and informant to this JPF report, Mr Siwahlot Kirisawad, recognized the driver of the Tiger as being Mr Pichit Ja-Ur and the person in the passenger seat as being his brother Mr Jagaa Ja-Ur. The other three, he said, looked very much like Mr Jagaa Ja-Ur (Pichit and Jagaa's brother), Miss Nasee Ja-Ur (Jagaa's wife) and Mr Jatea Ja-ha (Nasee's brother-in-law). Pichit and Jagaa were moved into the front Toyota Vigo, and the others were moved into the back Toyota Vigo. Their mobile phones were confiscated. All three cars drove away together.

In the next day, there was news that the offenders the undercover officers had bought drugs from had resisted arrest after 100,000 methamphetamine pills of theirs had been confiscated, which ensued in a shooting. The pictures released in the press portrayed the four Ja-Urs and Jatea Ja-ha as the perpetrators. It also showed Pichit and Jagaa as having being shot dead. Their hands were visibly cuffed together in the photos. Although their bodies were later retrieved by their mother at the morgue in Suandok Hospital Chiang Mai, there has been no news of the other three captives as of 27 July 2011.

Pichit, Jagaa and Jagaa's mother, Ms Namai Ja-Ur, explained in her interview with JPF that on 31 January 2006, she saw all five leave together in Pichit's car to go buy food supplies at the Fang market. She recalls them leaving at around 4 p.m. When eyewitness Siwahlot (Nong Pai Village Headman's assistant) came to tell her of what he saw riding his motorcycle back home from work, she was not surprised and suspected that it was probably just the police trying to extort money from them again.

During the road incident, Siwahlot kept his distance as he feared for his life. But after all the vehicles had gone, and it was safe for him to return to Nong Pai village, he immediately went to report what he saw at the district government head office. His next stop was to tell the victims' relatives.

It was only after the new year celebrations ended (on the 8th of February 2006)⁹ that the victims' family went looking for them. Namai was accompanied by the Village Headman's assistant, Pichit's wife and child, and younger sister Namiti (also Ms Namai's daughter).

At the morgue, Namai noticed Pichit and Jagaa's bodies were badly bruised, as if they had been beaten before being killed. The death certificate estimated 6.30 p.m. on 31 January 2006 as the time of death, and determined gunshots to the head and chest as the cause of death. The two men were later buried at Nong Pai funeral grounds.

The family of the victims and the Village Headman's assistant went looking for Jagaa, Nasee and Jatea at various army bases across Chiang Mai province, i.e. Fang, Mae Ai and Mae Rim. There were rumours around the village that they had been imprisoned at Bangkok's Baang Quang Prison. These rumours also said that Nasee had given birth whilst in prison. Now, there is no evidence to suggest this is true; the family was not contacted by the police.

⁹ Seven day long celebrations

The closest the family got to finding them was during a court process for the two dead: the government task force officer in the court said that Jaga was being detained at a juvenile detention center in Chiang Mai city. When the family travelled to the detention center the receiving officer found evidence of a person of that name, but was called aside by the Director and then changed his story that there was no one by the name of Jaga Ja-Ur and that they should go looking for him somewhere else, like the Baan Gingaow detention centre.

OFFICIAL ACTION: The victim's family did not report the incident to the police. They were, however, called to court and given the opportunity to press charges against the Drug Task Force 5th Regiment, but decided not to as they were worried that such action may place their remaining three missing relatives in danger.

Incident 9

NAME: Mr Wichai Jalae

DATE OF INCIDENT: 12 August 2009 or 2010 (informant could not remember the year, but remembered that it was on Mother's Day)

APPROX. LOCATION OF INCIDENT: Thai-Burmese border, Santondoo village no.6, Taton sub-district, Mae Ai district, Chiang Mai province.

DATE OF REPORT: 23 September 2011

ADDRESS OF VICTIM: 213 village no.6, Taton sub-district, Mae Ai district, Chiang Mai province

AGE OF VICTIM: 56

ETHNICITY: Lahu

SUMMARY OF TESTIMONY: The incident happened on 12 August 2009 or 2010, on the national Mother's Day. Five Santondoo villagers who witnessed the incident said that it happened near the national Thailand-Myanmar border in the Mae Ai area, Chiang Mai province. Mr Wichai Jalae would generally get supplies from a shop in Thailand and sell them on the other side of the border. He would typically take a basket of vegetables and dried goods to balance on his head for the journey. On that day, the villagers saw around 10 army rangers wearing uniforms and red neck scarves led by a specific Lieutenant (name provided to JPF) arrive at the border. They all came in a large army vehicle and took Wichai and two other villagers away with them.

Ms Namee Ae Ja Lae (victim's wife) was not at the scene of the incident because she was with her son at school attending a Mother's Day event. She heard news about her husband's arrest from her neighbours after returning home from school. They had themselves heard about her husband from someone else. The neighbours told her that Wichai was taken near the Thai-Myanmar border together with two other men named Ae Saw and Geaw.

Right after hearing the news, Namee sought the help of her relatives, as well as the wives of the two other disappeared men, to look for the three victims at Santondoo army base. They asked the soldiers "Where are our husbands? Have you seen them? The children are crying for their fathers." The soldiers replied that "They'll come back home on their own soon."

Before the incident, the army had set up a checkpoint at the border. Earlier, five other villagers had already been arrested on the border, but all of them were released afterwards. Wichai and the other two disappeared without any reason and their relatives still have not received any news of their whereabouts.

OFFICIAL ACTION: Wichai's family reported the incident to the village leader, but he did not follow up on it immediately. They did not report it to the police or the district office.

Incident 10

NAME: withheld on request

DATE OF INCIDENT: 23 December 2010

APPROX. LOCATION OF INCIDENT: Chiang Mai city, Chiang Mai district, Chiang Mai province

DATE OF REPORT: 28 July 2011

ADDRESS OF VICTIM: withheld on request, Chiang Mai province

AGE OF VICTIM: 30

ETHNICITY: withheld on request

SUMMARY OF TESTIMONY: X, a small farm owner, disappeared on the morning of 23 December 2010. X called his wife, Y (who was in Chiang Mai city at the time), to tell her that he was about to leave for Chiang Mai because his friend (Z) had called him and arranged to meet.

Around noon, X drove his car from his house to meet his friend in Chiang Mai. At the time, his wife was at Warorot market, located in Chiang Mai city. At around 2.30 in the afternoon, his wife called X to ask him where he was. He said he had arrived in Chiang Mai city already, but did not say where he was or with whom. She wanted him to pick up their youngest child, so she called him again, but he could not be reached anymore (it was around 3 in the afternoon). A little after 3 p.m., a message arrived to Y's phone that X's phone had been turned on again, but when she tried calling it, the phone had been turned off again.

Then, at around 6 p.m., X called her back. Over the phone she could hear the voice of the man saying "Let me speak to your wife a little", and the same voice saying to give him the phone, and then the phone was turned off again. Y called the phone back immediately, but was not able to connect (the phone was on pay-as-you-go).

Y returned to their home. On the way, a friend of X's called Y and told her that X had called him and told him that he had been arrested, and that they had put a black garbage bag over his head, forced him to make a confession. X told the friend that the experience was traumatizing as he could not breathe. X also told the friend that the man he was meeting in Chiang Mai had been concurrently arrested – both were accused of having methamphetamines in their possession, which X said was true (in his case anyway).

The relatives reported the case to the police the day after, on 24 December 2010, but after four days getting no news from X, they came to conclusion that he had been killed. They also hired a lawyer to assist them.

OFFICIAL ACTION: On 24 of December 2010, they went to report X's disappearance at Mae Rim Police Station, and also filed complaints with Mae Teang, Chiang Dao and Chiang Mai police stations. They also gave each place a copy of X's ID card and car registration. There has been no follow-up investigation.

Incident 11

NAME: withheld on request

DATE OF INCIDENT: 6 November 2010

APPROX. LOCATION OF INCIDENT: Chiang Mai city, Chiang Mai district, Chiang Mai province

DATE OF REPORT: 26 September 2011

ADDRESS OF VICTIM: withheld on request, Chiang Dao district, Chiang Mai province

AGE OF VICTIM: unknown

ETHNICITY: Withheld on request

SUMMARY OF TESTIMONY: X and his wife were staying at their rental house near the Warorot Market (commonly known as "*Kad Luang*", located in Chiang Mai city) to sell agricultural goods. It was usual for them to do this. X's wife returned home to Chiang Dao by public bus to look after their child. On the 6 November 2010, she returned to Chiang Mai city. At around 8 a.m., she called her husband to ask him to pick her up at Chang Puak bus station. By 9 a.m., X had not arrived yet, so she called her younger sibling to come and take her home. When she arrived, X was not at the house, nor were his car and motorcycle. Certain valuables of his were also missing, such as a gold chain, and 30,000 Baht had been taken from his bank account.

On the day that X disappeared, his younger brother was arrested at Huay Luerk village, and was taken to Chiang Dao by officers (who did not wear uniforms). At the police station, there were discussions between the officers over the police radio transceiver regarding the brothers; they were discussing whether both brothers were wanted by the police. After thorough discussions, the police decided that it had arrested the wrong person and declared X's brother innocent. X's brother overheard that the police would keep X in detention.

When relatives became aware of what had happened, around 10 vehicles of family members went looking for X at the Chiang Mai and Chiang Dao police stations. They filed reports at each police station and left a copy of X's vehicle registration with each of them.

A month after the incident, a guard at Suan Dok Hospital in Chiang Mai went to report to the police station that there was a vehicle he noticed had been parked at the hospital for about a month. It was later discovered that this was X's car.

OFFICIAL ACTION: No official investigation on this case.

NORTH-EAST

Incident 12

NAME: Mr Songkran Namprom

DATE OF INCIDENT: 20 September 1999

APPROX. LOCATION OF INCIDENT: Sofitel Hotel, Khon Kaen city, Khon Kaen district, Khon Kaen province

DATE OF REPORT: 19 September 2011

ADDRESS OF VICTIM: village no.1, Sila village, Sila sub-district, Khon Kaen district, Khon Kaen province

AGE OF VICTIM: unknown

ETHNICITY: Thai

SUMMARY OF TESTIMONY: On 20 September 1999, Songkran Namprom was last seen walking into the Sofitel Hotel in Khon Kaen city – he was meeting a policeman to discuss a corruption case at his place of work. A few weeks later a body that looked remarkably like Songkran was found dead in the neighbouring district.

Songkran, a father of two and former Village Headman, had a business doing contract construction projects. Songkran was also a member of the office of elected the Tambon administrative Organisation -TAO. At the time of his disappearance, he had been complaining against the leader of the Sila sub-district's elected officials' administration team.

During the victim's previous business venture with Mr.xxxx he had come to learn that his ex-partner had not observed its main contractor's responsibility of project specification standards in project in building a road to Sila village no.1. The victim told Mr.xxxx that he did not agree with his practices. Mr.xxxx tried to bribe the victim to not say anything to anyone, but Songkran wanted a corruption investigated by the police. A mutual friend of Mr.xxxx's and Songkran, Mr.ssss (a former headman of Sila village no.7) witnessed Mr.xxxx saying he was going to kill Songkran.

Coincidentally, a policeman (a friend of Mr.xxxx's brother) showed up at the victim's door under the pretence of looking for a car thief in the area. The victim took the opportunity to complain to him about Mr.xxxx's corruption case. The policeman suggested that the two meet in private to discuss the matter in more detail. The policeman suggested they meet at Sofitel Hotel in Khon Kaen city.

The last person to see the victim before his meeting with the policeman was Mr Chaiya, a former colleague at the elected government officials' administration team office. They had both attended an agricultural conference earlier that day. Mr Chaiya dropped the victim off in front of the hotel entrance at around 4 p.m.

Songkran was missing for a week when a rotten body was found in the sugarcane fields of the neighbouring district of Manjakiri by harvesters. It was just luck that the victim's niece happened to be in the district to prevent the police from incinerating the body. Mr Samhadthai and the victim's wife were the only ones to see the body at Srinakarin Hospital in Khon Kaen province before it was shipped to the Central Institute of Forensic Science in Bangkok. A month later a letter came to the victim's wife that asked her to submit DNA samples from the victim to compare with the body found in the field. A while after, results of the DNA testing sent to the victim's family said that they did not match and that the corpse was in fact female. However, Mr Samhadthai was absolutely positive that the body sent to the hospital was that of Songkran, because he remembered well the shape of his skull, forehead, height and physical stature.

OFFICIAL ACTION: It was not until 7 p.m. that Mr Namprom's family was aware of the situation, because his wife could not get through to him on the phone. Soon after they went to report it to the police, but were told to come back in two days. Although the next time the police did file the report in their records, they were quick to make accusations about the victim running off with another woman.

During the investigation, the hotel's CCTV footage was searched but nothing was found; just a flash of light, which would seem to infer that it was interfered with. The police drew up a report and all their findings were submitted – the report concluded that Songkran had intentionally disappeared. However, it is important to note that the policeman who analysed the findings told the informant of this JPF report, Mr Samhadthai, that he "believed that Mr.xxxx ha[d] something to do with this case". This person was later moved from his post to another department.

Shortly after filing a complaint with the local police, the informant wrote a letter of appeal to Mr Thaksin Shinawatra asking for fair-play when the then-Prime Minister visited the province. Other than that, he also sent a complaint to the Government's postal address, but was told by a contact that the case was the 200th in the queue and that it would take a long time from them to respond. As of 19 September 2011, none of his complaints have been answered.

Incident 13

NAME: Ms Oaynapa Sukprasong and Ms. Wantana Thaksima

DATE OF INCIDENT: 2 December 2004

APPROX. LOCATION OF INCIDENT: road in Beungpichai sub-district, Kalsin district, Kalasin province

DATE OF REPORT: 20 September 2011

ADDRESS OF VICTIM: 29 Pradit rd., Kalasin sub-district, Kalasin district, Kalasin province

AGE OF VICTIM: unknown

ETHNICITY: Thai

SUMMARY OF TESTIMONY: Ms Oaynapa Sukprasong, whose formal profession was running a mercantile business as well as selling life insurance, ran an underground lottery business on the side. She knew some Kalasin Polices well and used to offer them bribes so they would turn a blind-eye. However, before being taken she stopped paying them because of a new Government policy that sought to legalize formerly illegal lotteries.

The victim's oldest son recalls his mother telling him she felt like someone was following her shortly before she disappeared. His mother thought that if ever the family were to have problems with a police who she believed was capable of physical violence against her husband.

The Sukprasong family home was often searched by police officers as there were many rumours that the family was involved in illegal activities, such as selling drugs. The family has stressed that these allegations are all false. Still, Mr Gra, an associate of the victim, once told her that her husband was on the Kalasin Governor's blacklist of possible drug suspects. There was an incident at the family's drinking water factory a few months before Oaynapa's abduction to such effect: where her husband's younger sister and an employee were taken for interrogation for half a day – they said the police had questioned them about the victim's husband and his day-to-day whereabouts.

On 2 December 2004, at around 9 a.m. the family, their friends and relatives were celebrating the construction of the new drinking water factory. Shortly after, Oaynapa and her assistant drove off to pay for wood and toiletries. It is believed their abduction took place any time before noon, two or three kilometres from the road exiting the factory.

The only eyewitness to the incident is a buffalo herder, who initially told the family what he saw but henceforth refused to give testimony about the case to the relevant authorities. He recounts the victim driving along when suddenly a four-door pickup truck drove in front of her and forced her to stop. There were four men in the car but only three got out. The victim's assistant got out the car in order to talk with them but without any warning a group of three men took the victim's assistant and also pulled the victim outside and pushed them into their car. Two sat either side of them so they could not attempt to escape. The third assailant drove the victim's car away – the vehicle was later found at Kalasin Police Station. He added that the men were all wearing round-necked T-shirts but no visible insignia.

After reporting her disappearance to the police, the family went to look for Oaynapa in different places, but without avail. When they reached the Municipality Office, the Chief said that Regional Commissioner xxxx was responsible for taking her but gave no lead to prove such a fact. However, the informant believes it to be the truth as he recalls that three months after his mother's disappearance the quarters that the Police had newly occupied were quickly emptied.

OFFICIAL ACTION: The victim's family had to report the disappearance three times as not enough time had passed after the first and second times they went to complain – official procedure dictates that 24 hours need to pass to report somebody a missing person. The police also went to inspect the water factory but no progress had been made with regards to that investigation. What has made the investigation more difficult than need be is that the only eyewitness, the buffalo herder, still refuses to testify. The Department of Special Investigation (DSI) also retrieved a report from the family, but they have been no updates as to progress on their part yet.

Incident 14

NAME: Mr Wan Ue-Bon-Shue and Mrs Somai Ue-Bon-Shue

DATE OF INCIDENT: 14 May 2005

APPROX. LOCATION OF INCIDENT: Kalasin city, Kalasin district, Kalasin province

DATE OF REPORT: 19 September 2011

ADDRESS OF VICTIM: Pon Gnam village, Pon Gnam sub-district, Gam-Ma-La-Sai district, Kalasin province

AGE OF VICTIM: unknown

ETHNICITY: Thai

SUMMARY OF TESTIMONY: On 14 May 2005, between noon and 8 p.m., bed merchants Mr and Mrs Ue-Bon-Shue, were disappeared in Kalasin city centre.

The son of the couple said that the victims had driven together into Kalasin town for a dentist appointment that afternoon. Whilst looking for CCTV footage from the bank and dentist where they stopped, the son was told by the only eyewitness – a guard at a telephone authority company – that he had seen three or four men driving in front of the victims' vehicle forcing them to break, then pulling them out and putting them into headlocks. He then said that the victims were taken away into two vehicles driven by the perpetrators. Unfortunately, the guard refuses to come forward to give testimony out-of-fear.

Furthermore, the bank's CCTV footage places the victims at Nakon Luang Thai Bank's cash machine at around noon. More footage shows two men wearing baseball caps withdrawing money from the victims' bank account at 8 p.m. at a different cash-point but with the victims' car – a bronze and silver Isuzu Dragon – in the background of the video. Based on this information, it can be presumed that the victim was taken between noon and 8 p.m.

The informants and other relatives of the family went looking for them everywhere, starting with the hospital, then the dentist they were meant to see that day, and even the nearby fields and forests, to look for bodies in case they had been killed – they found nothing.

The informants are not sure why the victims were taken, but they have a feeling that it may have something to do with wiping out drugs. As part of the then-Government's policy on the so-called "War on Drugs" people were asked to write anonymously to their village headmen about those they suspected of having an involvement with drugs. The family felt the policy opened a window for more privileged families to be slandered and falsely accused on the basis of monetary jealousy. The Ue-Bon-Shue family had a business making and selling handmade mattresses and pillows, and made millions of Baht per year – much more than the average income in the region.

OFFICIAL ACTION: The informants went to report the incident at Ga-Lam-Ma-Sai Police Station, but were told to come back 15 days later. No police investigation followed and the informants were never asked to provide further information. In addition, the informants were unofficially told by police officers that they knew the two men in the cashpoint's CCTV footage, but that no charges could be pressed as the men were being protected by someone "at the top".

The family, with the help of Ms Pikul, submitted on appeal to the DSI in 2007. However, the DSI failed to locate the body and the case was henceforth closed. The family also appealed to the prosecutor's office for help, but they have not been in contact since then. The family, with again the help of Ms Pikul, also submitted the case the NHRC – the case was accepted and DNA samples were gathered. As of 19 September 2011, the NHRC has made no progress finding the victims.

In parallel to these official actions above, the family was defrauded of a lot of money by their neighbour, Mr xxxx, on the false pretence that he would get his policeman friend to find the victims and remove their names from the blacklist, which the victims were allegedly on and which would mean their certain demise. A letter was even sent to the family outlining the price of the service they were paying for. This ploy was reported to the police at first signs that it was dishonest, and a court case ensued. The neighbour was sentenced to eight years in prison (then reduced to five). His accomplice policeman was fired but re-hired in the neighbouring province of Roi-Et.

Incident 15

NAME: Mr Saman Meetum

DATE OF INCIDENT: 2 June 2007

APPROX. LOCATION OF INCIDENT: Tao Hi village, Loop sub-district, Kalasin district, Kalasin province

DATE OF REPORT: 19 September 2011

ADDRESS OF VICTIM: near Loop village, Loop sub-district, Kalasin district, Kalasin province

AGE OF VICTIM: 62 (approx.)

ETHNICITY: Thai

SUMMARY OF TESTIMONY:

Mr Saman Meetum, rice mill owner and father of three, was disappeared on 2 June 2007. The victim also worked for the Sub-district Organization Association and was very active in a campaign against drugs.

The victim's daughter recalls seeing her father leaving the house at around 8 a.m. to deliver rice to merchants around Tao Hi village. The last person to see the victim is the owner of a convenience store in Toong Na Tong market who received rice from the victim that morning. The merchant did not notice anything unusual and saw Saman drive away normally. At around 10 a.m. the victim's wife, Mrs Meetum, tried to phone her husband but was unable to connect to his phone. Neither the victim, nor his car (4-door Nissan Frontier), were recovered to date.

The informant believed her father's disappearance to be linked to his plans to expand the rice mill, which had already been delayed because of a neighbour's opposition to the project. This neighbour was a Police Major at Yang Talat Police Station name Mr xxxx. The two men had argued at great length about this expansion; smoke from the rice mills already polluted Mr xxxx's land and he did not want it to escalate. Although the arguments had been foul-mouthed, no violence was ever involved. However, Mr xxxx did resort to threatening the mill's employees which made some too scared to come into work.

The victim disappeared on the road running from Kalasin to Roi Et province, on the way back to his village. There were some rumours that someone at the market had seen the victim drive towards the city, but when the family went looking for witnesses no one came forward.

OFFICIAL ACTION: At around 2 p.m., the same day the victim disappeared, the family went to the police, but they would not accept the complaint saying they would have to wait the next day for the minimum 24 hours to have passed. The only thing the police did at the time was to send out a radio broadcast on their scanner informing the forces on the make and model of the victim's vehicle. About 12 days later, a policeman came to the family's home to ask them questions. The policeman also questioned the neighbor about his altercations with the victim. Mr xxxx was fast to underplay the gravity of the confrontations. The policeman did not question Mr xxxx's integrity and simply took his word for being the truth.

A year after the victim's disappearance, the DSI took the case to the police station again. To date, the DSI has not reported back to the Meetums in person, but did send a letter saying they felt the case did not have enough merit to become a special case.

The family has meet with a commissioner from the NHRC about the case, but nothing has been said since then.

At the beginning of 2011, experts from the Central Institute of Forensic Science of Thailand came to collect DNA samples on behalf of the Ministry of Justice (MOJ). As far as the family is concerned, no new unidentified dead body matches Saman's DNA.

Incident 16

NAME: Mr Kamol Lausiphaphan

DATE OF INCIDENT: 7 February 2008

APPROX. LOCATION OF INCIDENT: Jangsanit rd., Ban Phai district, Khon Kean province

DATE OF REPORT: 16 July 2011

ADDRESS OF VICTIM: 87/85 Klang Muang rd., Nai Muang sub-district, Muang Khon Kaen district, Khon Kaen province

AGE OF VICTIM: 51

ETHNICITY: Chinese-Thai

SUMMARY OF TESTIMONY: On 9 February 2011, the day of the Chinese New Year festival called Chil-ic, a sales representative for a brewery company turned anti-corruption activist in Khon Kean province was disappeared and has since not been found.

Mr Kamol Lausiphaphan came from a good economic background. He had taken over his father's work for Boonrot Brewery as a sales representative and was able to put his two sons into law school. But in 2001, Kamol's interest shifted to helping the community. He started by giving financial support to the very poor employees of the Brewery. Then in 2004, he joined the People's Network against Corruption group (first wave of 'Yellow Shirt' movement)¹⁰ which was headed by his old school friend, Mr Veera Somkwamkid. Kamol became the leader of a campaign calling for transparent local administrative election during 2006-2007 and supported his younger brother, Mr Prasert Laosophaphan, in his candidacy to the municipal elections in Ban Phai district at that time.

Afterwards, Kamol started investigating the corruption allegations against a local politician regarding the railway land project near his house. He filed a complaint about a biased land sale against Mr Chalin, the Municipalities Office Chief and a famous businessman in the province, as well as the railway company. Kamol made complaints to several relevant government agencies. He also sent a complaint to the Ban Phai police, with whom he had good personal relations, about the improper behaviour of the local politicians and accused the Chief of Ban Phai police of ignoring the corruption. In mid-2007, he was beaten by a group of policemen reportedly from Ban Phai Police Station.

Concerns for his safety rose and on 20 January 2008 he wrote a letter seeking witness protection against the police. In his letter Kamon mentioned the name of Police Senior Sargent Major Bualambat Sadao and stated getting badly battered by the named Sargent and another four to five policemen. Kamol never received witness protection. A few days before his disappearance, Kamol complained to Ban Phai Police's superintendent, Police Lieutenant Colonel Nikul Chanthosuth. The superintendent apologized to Kamol for what happened, but no disciplinary action was taken to which the victim was aware of. After the ordeal, Kamol became a lot more weary and on edge. He bought a life insurance so he would feel more at ease.

On the morning of the day he disappeared, (7 February 2008) his son remembered his father getting a phone call from a police commissar about the safety of witnesses. Kamol spent the whole day going back and forth to

¹⁰ People's Alliance for Democracy (PAD). Was originally a coalition of protestors against Mr Thaksin Shinawatra, the former Prime Minister of Thailand. PAD consists of mainly of royalist upper and middle-class Bangkokians and southerners, supported by the conservative factions of the Thai Army, some leaders of the Democrat Party and members of state-enterprise labor unions.

Ban Phai Police Station (only 10 minutes away from his house) until after dark. The last time the family managed to talk with him was around 9 p.m. when his other son, Mr Krittapong Laosiphaphan, called to see when he was coming back and the victim replied that he was not finished yet. Kritaphong later received three missed calls from his father between 11.14 and 11.16 p.m. At 11.18 p.m., an incoming call from Kamol to his family was cut off. The police at Ban Pai Police Station told the family that it was recorded that the victim leaving to go to his car at around 11.40 pm. As of 16 July 2011, Kamol's whereabouts are unknown. Yet his car – a red Saburu – was found on 29 February 2008, at Surinthorn Hospital in Ban Haet sub-district (about 15 km from the police station).

The victim's brother, Mr Prasert Laosiphaphan, requested the phone company try to triangulate the victim's phone signal and found that all calls originated from the Ban Phai district of Khon Kean province. Relatives have been searching the morgues for unidentified bodies but have not found any that resembles the victim yet.

The phone records also showed that from 1-7 February 2008, Kamol mostly called police officers. The 6-7 February 2008, 80% of the calls were to the police. The records rightly showed the last call he made to his family at 11.18 p.m. on 7 February 2008.

Police have informally told the family that the victim must have gone to Cambodia for gambling, but when the family requested Immigration and Customs to check the names of exits from Thailand, Kamol was not on the list.

On 8 February 2008, the brother of the victim's wife, called Mr Veera Somkwamkid (leader of the People's Network against Corruption) for help. Verra said he would report the incident to several of his contacts in Bangkok – he has since not been in touch with the family.

On 18 June 2008, the victim's family received two anonymous phone calls. The caller confirmed Kamol's death and said he knew the names of the two police officers responsible for the abduction. Then in March 2010, a large pile of sand was dumped in front of the Ban Phai family home.

OFFICIAL ACTION: On 8 February 2008 at 9.50 a.m., the victim's other brother (Mr Panya Laosiphaphan) and wife, complained at the Ban Phai Police Station the victim had been going back and forth all of the day before. At around 3 p.m. the victim's brother and wife returned to question Pol. Lt. Col. Chanthosuth about Kamol's whereabouts – they were told Kamol left at about 11.40 p.m. the day before. The police filed the case and said they would investigate but have since been silent on the matter.

The resulting forensic investigation of the victim's car (found on 29 February 2008) revealed eight handprints that did not belong to the victim. Handcuffs were found inside the glove compartment. The family requested a copy of the report but was denied that request.

The family made a complaint with the Crime Suppression Unit in Bangkok (CSU). The CSU undertook an investigation of Ban Phai Police Station and interviewed the victim's family. They allegedly did not find any evidence relevant to the crime.

The family also reported the crime to the NHRC and the DSI. The DSI accepted the case as a special case on 24 June 2009, under a charge of *self-interested corruption causing the nation a loss*. Case 10/2553 has been sent to the appropriate authorities for investigation and prosecution under national law.

On 20 February 2008, the family was issued a summons order to receive notice of the complaint against Kamol for meddling and interfering in official matters (it was later recalled). Then on 4 March 2008, the Khon Kaen Provincial Court issued Kamol an arrest warrant. The Court also accused him of trying to escape judgement by going missing in the first place.

SOUTH

Incident 17

NAME: Mr Wae-harong Rohing and Ya Jea-Dorlor

DATE OF INCIDENT: 27 March 2002

APPROX. LOCATION OF INCIDENT: between Yala and Yaha districts, Yala province

DATE OF REPORTS: 16 August 2005

ADDRESS OF VICTIM: house no.32 and 97, respectively; village no.4, Patoa sub-district, Yaha district, Yala province

AGE OF VICTIM: unknown

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:¹¹ Rubber plantation workers, Mr Wae-harong Rohing and Mr Ya Jea-Dorlor, disappeared on 27 March 2002, on their way to see a policeman in Mueang Yala.

On that day, the two friends received a phone call from a mutual acquaintance who is close to the police called Doloh Roying. Dolah requested that Wae-harong and Ya come to see him to discuss a militant attack in Bannang Sata district, during which a policeman was shot and killed. It was not uncommon for Dor-Loh to request such a meeting; for years now he would appeal to the villagers in the area for information on insurgency related incidents or to try gathering intelligence on future attacks. Those who gave valuable information would often get some kind of monetary reward.

¹¹ While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand

Dor-Loh had asked that they meet him at the Parkview Hotel. At around 5 p.m., two men headed off on Ya's motorcycle. Wae-harong had told his wife (Ms Mea-na Ya-ngo) that he would be back by 9 p.m. – she waited but he never came.

After also waiting all night for Ya to return, his wife (Ms Ahbeena Hajidaning) went to look for him in Yala city. She first went to the hotel to see if anyone had seen Ya, but there was nothing. After two days of being missing, she went to see the police at Yala provincial station, and every day after that for three days; they found nothing. Although there had been neither sighting of Ya nor Wae-harong, the motorcycle was later found in a rubber plantation in Phatthalung province, approximately 150 miles from Mueang Yala.

When asked about whom she believed to be responsible for Ya and Wae-harong's disappearances, Ya's wife provided the names of two individuals (also provided to JPF).

OFFICIAL ACTION: Around 29 March 2002, Ya's wife reported the disappearance at the Yala provincial police station. She also filed a complaint with the NHRC.

The families each received 100,000 Baht compensation from the Government on recommendation from the NRC.

Incident 18

NAME: Mr Baruhum Ma-ela and Mr Abdulmamun Abdullakim

DATE OF INCIDENT: March or April 2003

APPROX. LOCATION OF INCIDENT: outside Su-ngai Kolok district, near the highway intersection, Narathiwat province

DATE OF REPORTS: 17 August 2005

ADDRESS OF VICTIM: 2 village no.5 and 554 village no.2, respectively; Pajuru sub-district, Su-ngai Padi district, Narathiwat province

AGE OF VICTIM: unknown and 48, respectively

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:¹² On the day of the disappearance, Mr Baruhum Ma-ela and Mr Abdulmamun Abdullakim had gone to a market in Su-ngai Kolok district. After leaving the market, their motorcycle was stopped by a two-truck military checkpoint. People in the area witnessed the two men being taken by the army and saw their motorcycle being loaded onto the back of one of the trucks. Onlookers did not dare intervene as they were scared that they too would be taken.

¹² While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand

Abdulmamun's brother, Mr Abdulrohim Abdullakim, told HRW that Abdulmamun had been at the wrong place at the wrong time. He said the intended target for the abduction was Baruhum and not Abdulmamun, but after bearing witness to the incident the police could not let Abdulmamun go free. The police knew that Abdulmamun would not remain silent, especially since the family had contacts among Muslim politicians in Narathiwat and at the national level.¹³

Baruhum had been suspected of being responsible for the shooting of an undercover policeman whose alias was 'Se Deng'. In fact the officer's real name was Colonel Sutham Sirinakanon and he was working with the drug unit. It is not clear what the officer's assignment was exactly, but we know that before Baruhum disappeared he was imprisoned for two years under allegations of drug-use. His father and informant to this JPF report, Mr Ma-ela Binseu-mea, conversely informed that Baruhum was never truly involved in drugs; he was just taking the blame for his younger brother as he did not want him to go to prison. Baruhum's father told HRW that he believed it very unlikely that his son was able to use a gun, let alone kill somebody.

OFFICIAL ACTION: The respective families of the victims did not think formally complaining to the police would be any use as they knew wholeheartedly that "the police would never go after their kind". Abdulmamun's brother even said to HRW that he had previously been told by senior police officers from Krong Prab and Park Khao that they would not hesitate to kill suspect drug-dealers and militants in the Deep South. Just before the victims disappeared, in February 2003, Thaksin Shinawatra's Government instigated a widespread campaign called the "War on Drugs", purportedly aimed at suppressing drug use and trafficking. Yet, the methods to go about this suppression were not restricted, which opened the 'green light' to widespread abuses and many extra-judicial killings ensued.

Incident 19

NAME: Mr Sagariya Gahjeh

DATE OF INCIDENT: 29 June 2003

APPROX. LOCATION OF INCIDENT: between Banang Boo Jo village and Yala city, Yala district, Yala province

DATE OF REPORT: 13 June 2011 (date of second report)

ADDRESS OF VICTIM: 7 village no.5, Krong Pinang sub-district, Krong Pinang district, Yala province

AGE OF VICTIM: unknown

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Sagariya Gahjeh, a rubber tree orchard owner and father of three, disappeared just outside Banang Boo Jo village on the way to Yala city on 29 June 2003 at around 10 a.m.

¹³ The Thai Muslim political faction called the Wahdah (Unity) – formed in 1988 as a branch of the Democratic Party of Thailand, but specializing in specific Muslim matters.

He had told his wife, Ms Pi-ah Gama, that he was meeting a friend and door-to door merchant, Mr Surai Yah, to look at motorcycles at a shop located just past the village. The two men never made it to the shop. Sagariya's motorcycle was later found outside the village a couple of weeks later. Unfortunately, no witnesses came forward after the incident and the family has had to rely on presumptive rumours that a minivan – normally preying on children – was responsible for abducting the victim.

According to Ms Gama, the family was not liked by the neighbours who were jealous of the inner circle the victim was part (Mr Gahjeh had a friend who was a volunteer officer with the *Or Sor* security forces and another friend who was a district chief) and the family's 'fortune' relative to the very deprived area. The family would constantly suffer false accusations and were regularly bothered by police searching their property in acting upon those accusations.

At around 1pm on 29 June 2003, when Sagariya had still not returned home, his wife went looking for him. It is then that she heard of the minivan rumours. The next day, she went to report her husband's disappearance to the police.

OFFICIAL ACTION: On 30 June 2003, the family attempted to report Mr Gahjeh's disappearance at their local police station in Krong Pinang, but the police could not accept to take on the case as the incident had occurred outside their district. The family was then referred to Yala district police station which immediately issued them a document confirming Sagariya's disappearance. However, it was not until a year later that the police started the investigation and that the family was finally called in for questioning. Nevertheless, the police report that ensued included many false statements. Since then, there has been no progress in finding the victim or his whereabouts.

Still, three years after the incident, the family (Mr Gahjeh's younger sister) was inadvertently issued Sagariya's death certificate from Tan To Police. Ms Pi-ah is trying to rescind the admission of death because it essentially provides officials justification to stop searching for her husband and that is not her wish. So far, this has been without avail.

The family received a total 4,000 Baht in compensation from Krong Pinang District Offices, without even having made the application. The family also received 100,000 Baht compensation from the Government on recommendation from the NRC.

Incident 20

NAME: Mr Arun Mong

DATE OF INCIDENT: 6 January 2004

APPROX. LOCATION OF INCIDENT: victim's residence, Saba Yoi district, Songkhla province

DATE OF REPORT: 20 August 2005

ADDRESS OF VICTIM: Saba Yoy district, Songkhla province, originally from 84/4 village no.2 Tombol Sarkor, Srisakorn district, Narathiwat province

AGE OF VICTIM: 51

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Barber and father of five, Mr Arun Mong, was abducted from his wife's house at Saba Yoi district by armed men in balaclavas.

It was around 5 p.m. when a group of four or five men forced Arun out with guns and started beating him in the chest. They then took him in their pickup truck – that was the last time Arun's family saw him. The assailants did not give motivation for their actions, nor did they display an arrest warrant.

One of Arun's daughters Ms Tassani Mong, said her father's abduction could be related to the Narathiwat Pileng army camp arsenal robbery of 4 January 2004 (two days prior to the disappearance). She said that since he was a newcomer to Saba Yoi district, he was an obvious suspect in the eyes of the police. However, these suspicions were not based on any concrete evidence.

OFFICIAL ACTION: The family first reported the incident to Saba Yoi district police. Then, Tassani herself filed a case at Srisakorn district police, but did not get feedback other than the fact that it may be a difficult case to work out due to the lack of evidence.

The family received 100,000 Baht compensation from the Government on recommendation from the NRC.

Incident 21

NAME: Mr Budiman Woni and Mr Imrohim Kayo

DATE OF INCIDENT: 8 January 2004

APPROX. LOCATION OF INCIDENT: 2nd victim's residence (as given address)

DATE OF REPORTS: 13 June 2011 (date of second report)

ADDRESS OF VICTIM: 173 village no.11 and 279 village no.1, respectively, Bannang Sata sub-district, Bannang Sata district, Yala province

AGE OF VICTIM: 26 and 31, respectively

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Budiman Woni, a gardener, disappeared on 8 January 2004, at around 8 p.m. after an acquaintance of his came to his home and asked that he come with him to Budiman's friend and neighbour's house, Mr Imrohim Kayo, to repay the money that they both owed the person in question. Budiman lived at his parents' house therefore his mother was present to see the stranger at the door, however, she was unable to identify him as someone she had seen before.

Then, at around 2 a.m. in the early hours of 9 January 2004, Budiman knocked on Imrohin (a bus ticket taker on the Bannang Sata to Yala public transport bus route and father of two)'s door. Imrohin and his wife, Ms Ahsor Matae, were met with the sight of a beaten up Budiman and another man, whom Ahsor (last person to have seen both men alive) says was dressed in army clothes. Other men, some dressed like soldiers and others in civilian clothes dis-embellished of religious garments, pulled both men away and shoved them into the same vehicle Budiman had arrived in. Imrohin's wife was told by a soldier that her husband would be brought back soon.

At around 3 a.m. the same man who earlier came with Budiman came to tell Imrohin's wife that both men had disappeared, without giving specific information as to what had happened. At around 4 a.m., Ahsor went to tell Budiman's mother who lived just down the road about the incident involving her son.

On the morning of 9 January 2004, Budiman's father and Imrohin's wife went to report the disappearance at Bannang Sata Police Station. The police promised to follow it up. However, because of lack of clear evidence and intensive military operations following the Pileng army camp robbery in Narathiwat's Cho-airong district only few days before (on 4 January 2004), the police was unable to make any progress in finding the victims.

Since the incident, the victims' relatives have been relentless in their search for the bodies, and visited many morgues. In fact, a week after the disappearance, the village's headman insisted that a body found buried and cemented-over, belonged to Budiman. He brought Budiman's mother a picture of the corpse to identify, but the face was so swollen it was impossible for her to tell who exactly this person was. Budiman's father went to look at the body himself, which he later declared was not their son.

Last year, in 2010, officials from the Internal Security Operations Command (ISOC) visited Budiman's mother to try forcing her to sign a disclaimer admitting to her son's death in an attempt to close the submission in the hands of the UNWGEID. However, without DNA to prove otherwise, she remains confident that the unidentified body was not her son's.

OFFICIAL ACTION: The families are unsure whether a proper police investigation has been carried out, and have not been told anything else as of the day when they went to report the disappearances at Bannang Sata Police Station in 2004. The only time Budiman's mother remembers the police coming to their house was to force her, in conjunction with the ISOC, to sign the disclaimer. On the other hand, Imrohin's wife was repeatedly told by the chief of Bannang Sata Police Station that he believed the two men had voluntarily fled to Malaysia. Based on these events, it is highly unlikely that the case was passed to the Public Prosecutor of Yala province.

The case was filed with the NHRC. Commissioner Wasant Panish headed the case. The families each received 100,000 Baht from the Government on recommendation of the NRC.

Incident 22

NAME: Mr Ibrohim Sae

DATE OF INCIDENT: 27 January 2004

APPROX. LOCATION OF INCIDENT: victim's residence (as given address)

DATE OF REPORT: 17 August 2005

ADDRESS OF VICTIM: 52/5 village no.10, Tohporkah village, Tuyongmust sub-district, Ra-ngae district, Narathiwat province

AGE OF VICTIM: 37

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:¹⁴ On 27 January 2004, around midnight, Mr Ibrohim Sae and his wife were woken up by a group of 20 men in woolen masks and guns knocking at the door. After being forced to the ground with a gun pressed to his head, Ibrohim was taken away. His wife has not seen him since.

Whilst some men were questioning her husband about the Narathiwat Pileng gun robbery incident of 4 January 2004, the victim's wife said the rest of the men searched the house for the stolen weapons, but without avail. She notes that not at any point was she shown or handed a search warrant.

The victim's wife believed the aggressors to have been from outside the region as they spoke to each other in the central dialect. What is more, when they asked Ibrohim if he was "Heng" (Imbrohim's nickname) in Malayu language, they said so in an accent different to what was accustomed to. In her opinion, the men were state officers from the capital because (a) they said they were taking Ibrohim to Bangkok when she begged for them to leave her husband alone, and (b) she noticed they were wearing uniforms (devoid of any insignia) similar to those worn by state officers.

As the men were taking Ibrohim away, she ran outside and saw that there were two pickup trucks: one white and one red. She was unable to see the number plates.

His wife said Ibrohim was a Tadika teacher¹⁵ and was not involved with the acts of insurgents. That night, she was the last person to see her husband alive. However, neighbours of hers later told her (on condition of anonymity) that they had seen many policemen (both in plainclothes and uniforms) looking for Pileng army camp's stolen guns before Ibrohim was taken away – they believed there to be a strong connection.

OFFICIAL ACTION: The victim's wife went to report the disappearance at Ra-ngae Police Station, but they rejected the case. A complaint was finally lodged at the Oor Bo Tor. Furthermore, she enlisted the help of the special police unit of the southern provinces (Yala, Pattani and Narathiwat). None of the forces were successful in finding Ibrohim.

The family received 100,000 Baht from the Government on recommendation of the NRC.

Incident 23

¹⁴ While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand

¹⁵ Teaching of Islam in a religious school

NAME: Mr Sata Labo

DATE OF INCIDENT: 9 January 2004

APPROX. LOCATION OF INCIDENT: police checkpoint, Narathiwat district, Narathiwat province

DATE OF REPORT: 17 August 2005

ADDRESS OF VICTIM: 51 Banmai-mgam village no.6, Banpor sub-district, Narathiwat district, Narathiwat province

AGE OF VICTIM: 34

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:¹⁶ Labourer Mr Sata Labo was disappeared on 9 January 2004. His house was searched by the police the day before he disappeared, on 8 January 2004. The police showed a search warrant and said they were looking for the stolen arsenal in connection with the Narathiwat Pileng army camp gun robbery case of 4 January 2004. Although no guns were found in the victim's house, Sata was asked to later make his way to the police station for questioning. To make sure he would keep his word, the police confiscated his car and motorcycle. The victim's younger sister recalls her brother signing a document in connection with this agreement. Sato collected the two vehicles that same afternoon, but his sister is unsure whether or not he was questioned by the police at that particular point.

The next day, on 9 January 2004, Sata left the house in Banmai-mgam village (Banpor sub-district, Narathiwat province) by car (a red Honda Civic); he told his family he was going to renew his driving licence. At around noon, he phoned his sister to inform her that he had been stopped at a police checkpoint. He explained that the authorities had been searching his car and had asked him to visit Narathiwat Police Station. This phone call was the last time the family heard from Sata – he never came back.

The account from an eyewitness matches the account of the phone conversation. The eyewitness recalls seeing a man in a red car being stopped by a policeman. However, information is scarce as people are afraid to come forward.

OFFICIAL ACTION: The victim's wife, went to complain and report the disappearance of her husband at Narathiwat Police Station. She also consulted with a lawyer with the intention to take the case to the civil court.

The families each received 100,000 Baht from the Government on recommendation of the NRC.

Incident 24

¹⁶ While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand

NAME: Mr Musta-Sidin Maming and Wae-eso Maseng

DATE OF INCIDENT: 11 February 2004

APPROX. LOCATION OF INCIDENT: Tanyongmas market, Municipality rd., village no.1121/11, Tanyongmas sub-district, Ra-ngae district, Narathiwat province

DATE OF REPORTS: 20 November 2011 (date of second report)

ADDRESS OF VICTIM: Municipality 11 rd., village no.127, Tanyongmas sub-district, Ra-ngae district; and village no.3, Bangpor sub-district, Narathiwat district; respectively, Narathiwat province

AGE OF VICTIM: 26 (approx.) and 27 (approx.), respectively

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:¹⁷ Mr Musta-Sidin Maming owned a mobile phone shop in Tanyongmas market. On 11 February 2004, he was arrested along with his employee, Mr Wae-eso Maseng, by a group of armed men. As of 20 November 2011, the men remain missing.

A friend with whom Musta played football, Ruslan (unknown surname), saw the two men 20 minutes before their disappearance. On that day he came to meet Musta like every evening but found that Musta had not closed the shop yet, so he went to eat something and when he came back was told by onlookers what had happened.

Witnesses said that a group of men wearing black shirts came to Musta's shop at around 4 p.m. About five to six men drove up to the shop and took Musta and his employee, Wae-eso, into their red Nissan pickup truck. The assailants were armed. No witnesses reported hearing of or seeing a paper resembling an arrest warrant.

The witnesses also told Musta's wife that they saw no license plate on the car used by the perpetrators. This made her wonder how such a car could drive down to the city centre passing many military checkpoints without being stopped.¹⁸ Around a month before the incident there had been a militant raid on the Pileng army camp in Cho-airong district, Narathiwat province (4 January 2004), so the whole province was on high-alert – there were police everywhere.

Musta's wife was away in Pattani province on the day Musta was taken. She learnt about the incident when her mother-in-law phoned her to tell her of the bad news. It is unclear how Wae-eso's wife got to know about the incident, but his brother, Mr Awaie Maseng, said that she only knew as much as the witnesses.¹⁹

¹⁷ While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand

¹⁸ Cited from Ms Tuanroohana Tuankortae's letters of complaint sent to the Secretary Permanent of the MOJ asking the MOJ to accept her husband's case as a special case for investigation (on April 5, 2007) (and every reference after that).

¹⁹ Information provided by Angkhana Neelapaijit based on researched conducted by the Ministry of Justice, Working Committee to gather information and pursuit missing person and to heal the wounds caused to people in the Deep South from actions perpetrated by security forces.

The two families searched for their lost relative for months after the incident. At the time Musta's wife was pregnant, still she visited Pattani's Ingkayutthaboriharn army base but without avail. Awaie said he spent most of his family's savings to search for his brother. He went to several army camps in Yala and Hat Yai provinces, but there was nothing. The Maseng family finally accepted Wae-eso's death and organized a funeral for him, even though they did not have his body.

Wae-eso's family said that Wae-eso and his boss Musta were good people and not involved in anything suspicious. However, Awaie said he heard rumours that the police were looking for people who worked with mobile phones and that could well have been the motive behind his brother's capture. Still, in his opinion, Wae-eso – who did not go to school – was not educated enough to understand how to circuit a detonator.

Almost a year after her husband's disappearance, on 4 October 2004, Musta's wife complained to Queen Sikirit when the Queen she visited the region of the Deep South, as well as addressing a letter to her. Later, the very senior person informed the wife of the possible reason behind her husband's disappearance. Apparently, 10 days before the incident was a bombing at the Tanyongmas supermarket. The police had found that a SIM card was used to trigger the explosive – the card was identified as having come from Musta's shop. From the conversation with the secretary, the wife is confident that the police at Ra-ngae Police Station were responsible for taking the men away.

Moreover, in their report, Senator Fakrudin Botor told HRW that Musta's disappearance took place when the security forces were trying to substantiate reports that mobile phone networks around the Narathiwat Pileng military camp (Cho-airong district) had been deactivated before the militant raid that robbed it of 400 weapons on 4 January 2004. The investigation focused on local Muslims who owned or worked as technicians in mobile telephone shops in Narathiwat. He said that the authorities were also worried that mobile telephones were increasingly being used to trigger explosive devices used in attacks on government officials and civilians.

OFFICIAL ACTION: Musta's wife filed a missing person report on 12 February 2004, at the police station in Ra-ngae, Narathiwat province. Wae-eso's wife also filed a missing persons report. In both cases the police have failed to locate the whereabouts of their respective husbands.

In Musta's case, however, the police took the computer from his shop, but they shortly returned it saying that there was no useful information on the hard drive. Tuanroohana believed that the Crime Suppression Division of the Royal Thai Police was just trying to find evidence as to Musta's involvement in the Tanyongmas bombing and even when they were not successful, they stopped the investigation.

Musta-Sidin's wife took matters into her own hands and hired a lawyer from Yala named Somnek Rakung to write petitions to the relevant government officials. He addressed petitions to the Governor of Narathiwat province; Kraisak Chunhawan, ex-Senator of Narathiwat City Hall; Lieutenant General Pisan Wattanawongkeeree, Military Commander Region 4; ex-Prime Minister Taksin Shinnawatra; and many other officials of the Thai Parliament and the Royal Thai Police. In general, most responses have been irrelevant to Musta's disappearance. Former Prime Minister Thaksin assured her that he would look into the case. The Thai Parliament gave their assurance that they would send the case to the Royal Thai Police.

The then-WGJP,²⁰ followed up with a letter of their own to the Royal Thai Police. They replied saying this was a matter of the Deep South and said that Ra-ngae Police Station had spent enough time on the case; the real problem was the lack of evidence and witnesses – just not enough to find perpetrators.

However, around 16 October 2006, police from Ra-ngae called Musta-Si's wife to come give her testimony again – they said they had renewed the case. As of 20 November 2011, nothing has come of this renewal.

The families each received 100,000 Baht from the Government on recommendation of the NRC.

In addition, Musta-Si's wife was awarded monthly financial support for her new-born child from the Bureau of the Royal Household until the child graduates from university – this support came about after petitioning her case to Queen Sirikit since 2004.

The DSI has not taken on the case. No death certificates have been issued.

Incident 25

NAME: Mr Abdulloh Hayimasalae

DATE OF INCIDENT: 5 June 2005

APPROX. LOCATION OF INCIDENT: near Yala city train station, Yala district, Yala province

DATE OF REPORT: 20 August 2005

ADDRESS OF VICTIM: 19/5 Witoo-uthit rd., village no.1, Satang sub-district, Meaung district, Yala province

AGE OF VICTIM: unknown

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Abdulloh Hayimasalae was a father of four. He was disappeared on 5 June 2005, whilst working as a motorcycle taxi (a profession he held for over five years). On the day of the incident he had been at his regular post taxiing people to and from Yala train station. On a usual day Abdulloh would work until 3 p.m.; he would go home for a lunch break and return to work to cover the late afternoon rush. The day he disappeared, a friend and co-taxi driver of Abdulloh's, saw him for the last time at around 2 p.m. riding away with a customer. Abdulloh would normally return home for the evening at around 6 p.m., so when he had returned, his family started getting worried and tried to contact him on his mobile phone, but without avail.

One of the victim's daughters went to Yala district police to lodge a complaint on 6 June 2005. On the same day, another friend of Abdulloh's went to Inkayuth military camp in order to find the victim but found nothing. On 9 June, the daughter went to search for her father in Bannsrong sub-district, Yarang district, Pattani province, but found nothing.

Then, five months after the disappearance, a witness named Lor (unknown surname) came forward to explain that on the afternoon of June 5, 2005, he saw two pickup trucks accosting a person riding a motorcycle with

²⁰ Working Group on Justice for Peace (WGJP) was founded in 2006. In December 2009, it later changed its name to the Justice for Peace Foundation (JPF).

“13 Yala” written on his vest (train station’s area number). He said the first truck made the motorcycle stop by breaking in front of it, and then forced both the taxi rider and his customer (a woman) into the vehicle. Meanwhile, the second truck loaded the abandoned motorcycle onto its rear. The cars went their separate ways. No information about the women customer has, so far, surfaced.

The family of the victim does not know why Abdulloh was taken. His only link with security forces was when he was himself a volunteer of the civilian security unit called *Aor Por Por Ror*, as well as an appointed member of the village security unit called *Cho Ror Bor* of village no.7 in Satang-nok sub-district. The victim’s family explained that Abdulloh had quit his involvement with the volunteer squads when the violence in the Deep South had escalated.

OFFICIAL ACTION: The victim’s family reported the case to Yala police. Police officer Jechanin Nungkrathok lodged the complaint for them. The case later appeared in the police’s daily report, but the date of disappearance was incorrect and noted as “4 June” as opposed to “5 June”.

The family received 100,000 Baht compensation from the Government on recommendation from the NRC.

Incident 26

NAME: Mr Wae-Abdul-Wahae Baning

DATE OF INCIDENT: 17 October 2005

APPROX. LOCATION OF INCIDENT: along the road on the way to Ta-Lue-Bo incineration grounds and Ba-Tae village, Patae sub-district, Yaha district, Yala province

DATE OF REPORT: 14 June 2011 (date of second report)

ADDRESS OF VICTIM: 33/5 village no.6, Ba-Tae village, Patae sub-district, Yaha district, Yala province

AGE OF VICTIM: 28 (approx.)

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: On 17 October 2005, Mr Wae-Abdul-Wahae Baning disappeared. He left on his motorcycle at around 8 a.m. that morning and never returned home to his village in Patae sub-district.

On that day, the victim had attended the incarceration ceremony of his late aunt. He then told his father (Mr Waedeuramea Baning) that he was going back home to see his mother. By noon Wae-Abdul-Wahae had still not arrived back. The victim’s father called his son but he did not get an answer.

The victim’s mother believes her youngest son’s disappearance may somehow be related to her eldest son’s arrest three years later. On 26 January 2008, the victim’s older brother (Mr Waesakariya Baning) was arrested among 20 other people in connection with an explosion that had occurred in Yala province on 16 January. During his detention he was beaten, interrogated and taken to court. The case was numbered Black 761/2551 13 2551 B.E.

It was not until 18 October 2005, that the victim's family started getting concerned about Wae-Abdul-Wahae's whereabouts. They tried his phone several times but without avail. Around the period of the victim's disappearance, other students from Tama-witaya School were reportedly disappearing – the press had said that the incidents happened in a similar context to that of lawyer Somchai Neelapaijit, who disappeared on 12 March 2004 after calling for retribution to the police officers responsible for torturing prisoners detained in connection with the Narathiwat Pileng Camp gun robbery case of 4 January 2004.

A market vendor reported that he saw the victim's motorbike – a green Susuki Swing – on the back of the army truck. Although the vehicle was registered to the family's address, no authority has contacted the Banings about the recovered motorbike.

OFFICIAL ACTION: After three days of searching for Wae-Abdul-Wahae, the family went to report the incident to Yala Police. The policeman who filed the case was named Giti Macong; he took the family's phone number and promised to investigate. The family was unable to mention the name of the eyewitness as he did not wish to testify or become involved in the case in any way out-of-fear. As of 14 June 2011, no one has communicated to the family of any progress on the case.

Incident 27

NAME: Mr Ku-amad Ahbesen, Mr Weasainung Weana-wea, Mr Abduloh Salum and Mr Muhammad Senren

DATE OF INCIDENT: 1 November 2005

APPROX. LOCATION OF INCIDENT: Pakaharung sub-district, Pattani district, Pattani province

DATE OF REPORTS: 21 June 2007

ADDRESS OF VICTIM: 15/1 village no.7, 4/2 village no.7, 13 village no.7 and 30 village no.6, respectively; Pakaharang sub-district, Pattani district, Pattani province

AGE OF VICTIM: all 21 (approx.)

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: At around 9 p.m. on 1 November 2005, the car Mr Ku-amad Ahbesen was in was stopped by the police allegedly from Pakaharung sub-district. He and the other three young men travelling in the same car were taken by those who stopped them. Since the incident there has been no news of Ku-amad or his friends (Mr Weasainung Weana-wea, Mr Abduloh Salum and Mr Muhammad Senren).

That evening the four friends were out celebrating Rayor Day (Muslim New Year). Weasainung had borrowed his brother's car (a red Honda Accord) in order to drive his friends around. The last time people saw them was at around 9 p.m. leaving the market and then driving into a PTT petrol station.

Ku-amad's sister, Ms Kuna Ahbesen, believes her brother's disappearance is linked to the murder of a high-ranking police officer's son²¹ in October 2004. The unnamed officer was based in Satun province in the Deep South. Ku-amad's sister did not go into details about the specifics of her brother's involvement in this case, but she did say that ultimately, in late 2005, the Pattani Provincial Court found her brother not-guilty for the crime. Since then, and in the interim of the Prosecution's appeal process, Ku-amad had been released on bail.²²

OFFICIAL ACTION: Ku-amad's family reported his disappearance to the Pattani provincial police station. The police conducted some investigation and took DNA from the family members. Although the case is currently under the responsibility of the Royal Thai Police, they have given no news regarding what happened to the victims.

The families each received 100,000 Baht from the Government on recommendation of the NRC.

Incident 28

NAME: Mr Arhamah Waedorloh

DATE OF INCIDENT: 9 November 2005

APPROX. LOCATION OF INCIDENT: Yala Hospital, Sateng sub-district, Yala district, Yala province

DATE OF REPORT: 29 August 2008

ADDRESS OF VICTIM: village no.3, Klongmaning sub-district, Pattani district, Pattani province

AGE OF VICTIM: 27

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:²³ On 9 November 2005, Mr Arhamah Waedorloh accompanied his nephew from Pattani Hospital to Yala Hospital to get an X-ray exam. As his nephew was driven back to Pattani in an ambulance, Arhamah stayed behind to wait for the X-ray results. He never came back to Pattani. No one knows what happened to him.

Arhamah worked as a Tadika teacher (Islamic pre-school). His family described him as a kind young man who was not involved in drugs or associated with insurgents. He lived with his sister, Ms Waemeuyae Waedorloh, who can attest to his 'neat' behaviour.

²¹ A student at the Prince of Songkhla University (Pattani campus)

²² Because of his family's poverty, Ku-amad had only been able to provide a borrowed land title deed in lieu of the bail money.

²³ While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand; and from information provided by Angkhana Neelapaijit based on research conducted by the Ministry of Justice, Working Committee to gather information and pursue missing person and to heal the wounds caused to people in the Deep South from actions perpetrated by security forces.

His mother, Ms Waeteeyoh Waedorloh, sees only one reason for her son's disappearance. She recounts the village they live in having turned into a very insecure place since the military moved in. According to her, since 2003 soldiers have been omnipresent in their village. The villagers do not like it – it makes everyone feel uneasy. Like many others, Arhamah thought it would be better if the military left or reduced the personnel present in the area.

Around June or July 2005, a government school and Tambon Administration Organization office in Krong Pinang were attacked by arsonists. Police and soldiers came to resent the villagers thinking they were harboring the militants responsible for the attacks. After the incident, members of the village defence team (*Cho Ror Bor*) heard the military say that many young Muslim men had been put on the blacklist.

The victim's mother said that family members and friends tried to call Arhamah that day, but did not get through to him as his phone was switched off. Then, the family went to Yala hospital and asked to see their CCTV footage: it only showed Arhamah talking on his phone outside the main exit door.

OFFICIAL ACTION: Arhamah's relatives filed a complaint at Mueang Yala Police Station. The police did not question the victim's family; they have denied their involvement in his disappearance. The case was in its primary phase when the police dropped the investigation.

The victims' sister has been complaining to Mueang Pattani District Governor's office since 11 November 2005. After which, the Department of Security Prevention (DSP), with the help of their Assistant District Officer Yuttadech Youngpai, accepted the case and promised to search for the missing person. Until now, the DSP has not made contact with the Waedorloh family.

In 2007, the case was accepted by the UNWGEID and an appeal was sent to the Government of Thailand.

No death certificate has been issued.

Incident 29

NAME: Mr Wae-harem Guwaegama

DATE OF INCIDENT: 26 May 2006

APPROX. LOCATION OF INCIDENT: between the tea shop at Kam-pongbaru village and the road to Ba-ta-se, where nearby there is a military checkpoint near the Tambon Administration Organization office of the of Bukit sub-district, Cho-airong district, Narathiwat province

DATE OF REPORT: 5 August 2008

ADDRESS OF VICTIM: village no.6, Ban Batey Passay village, Bukit sub-district, Cho-airong district, Narathiwat province

AGE OF VICTIM: 40 (approx.)

ETHNICITY: Malayu

SUMMARY OF TESTIMONY:²⁴ Deputy Village Chief of Ban Batey Passay and construction worker, Mr Wae-harem Guwaegama, was abducted on his way back home from work on May 26, 2006. He was a father of three.

Wae-harem was long-suspected by soldiers of playing a role in the local network of separatist insurgents; he had faced much pressure from a local army unit before his disappearance. His uncle, Kordae (unknown surname), reported to HRW that the soldiers accused Wae-harem of being active in expanding the insurgent network around the Bukit sub-district. What the soldiers did not understand was that everyone respected Wae-harem because he was a good deputy village chief, not for a fictitious involvement in illegal matters. Wae-harem had his own construction business and hired many people from the village, particularly unemployed teenagers, to work with him. He also allowed them to take fruit from his own orchard to sell in the market to earn extra money. This village depended very much on Wae-harem, but soldiers saw Wae-harem differently.

The victim's uncle and wife said that a month before his disappearance, soldiers from the local army unit raided the village and arrested Wae-harem together with five other villagers under a cordon and search operation (which is common practice in the context of the Emergency Decree in place in the Deep South). Wae-harem told his family that he was detained in Bon Thong district, Pattani province, for 12 days. They interrogated him, after which they released him without charge. But Wae-harem heard the soldiers say that the men had been detained on allegations of bombing markets, assisting the training of terrorists, and providing a safe-haven for insurgents and their weapons. The Guwaegama family seemed especially suspicious because their large rubber tree orchard was perfect for hiding weapons. In addition, Wae-harem had suffered death threats from soldiers stationed near Bukit Pracha Upatham School and was told that his name was on the blacklist. Although Wae-harem had been previously accused of being a member of a terrorist organization called Jemaah Islamiya, he had never been issued an arrest warrant; there was never any concrete evidence against him.

On the morning of his disappearance, Wae-harem was searched at a military checkpoint on his way to Buke-tamong village (place of work) at around 7 a.m. Later, when he met his colleague, Ma-ae (unknown surname), Wae-harem explained what had happened; apparently, the soldier was not searching for firearms but for hidden money. At around 5 p.m., Wae-harem started making his way back home by motorcycle, but first stopped at a tea shop not far from his house. It is in front of this tea-shop, between 5.20 and 5.30 p.m., that villagers saw four or five men forcing the victim inside a green Mitsubishi pickup truck and driving away. He has not been seen again. It was later found out that someone in the tea shop had asked details about his day-to-day whereabouts – witnesses say this person was in military dress.

The victim's uncle said the family came to know of Wae-harem's disappearance from other villagers within 10 minutes of it occurring. Straight away, Kordae rushed to all the army checkpoints and army units in the area, but he never found a clue about where his nephew could be. The army units at every checkpoint denied arresting him. The relatives also reported the disappearance to the Village Headman, who was a friend and co-worker of Wae-harem. The headman helped search for his deputy at every local army checkpoint.

²⁴ While JPF has documented this case firsthand, details here also draw extensively on the Human Rights Watch report, 'It Was Like Suddenly My Son No Longer Existed' published in 2007, available at: www.hrw.org/asia/thailand

When they failed to succeed on their own, the headman inquired the help of WGJP. On June 6, 2006, more than a week after the incident, a local human rights volunteer from WGJP came and helped the family look for Wae-harem. They first went to the military camp Sirinthon as it is where the offices of the Military Chief Region 4 and the Southern Border Provinces Peace Building Command are located. These officials said they were not aware of someone by the name of Wae-harem being in detention in any of their units.

Although the victim's wife had no idea as to why her husband was being targeted, another close member of the family told WGJP the following:

The victim might be allegedly on the local army unit list of suspected insurgents (BRN). His role in supporting community – getting youth and poor people jobs in his construction business – and position as deputy village chief seemed to make him stand out as a prime suspect. The alleged disappearance took place only 700 meters on a straight road to his house.

There were witnesses and circumstantial suggesting that the Army Special Warfare unit stationed in the area might have the knowledge or be responsible for this incident.

The entire community is now engulfed with fear. Most men villagers are worried that they can be the next victims, especially those who had been previously enrolled in 'Re-education/Peace Building Program'. The village and neighboring areas have been under constant surveillance of the army intelligence. There are "watchers" planted all over the place. Any visit is immediately recorded. And after that, in the evening, the villagers will be questioned about the visitors and the nature of their visits.

OFFICIAL ACTION: The relatives of the victim filed a missing person report with the police in Cho-airong district, Narathiwat province. On 5 June 2006, the relatives of the victim informed different agencies of Wae-harem's disappearance, including the Military Chief Region 4; the newly established National Justice and Civil Liberty Commission, and Lawyer Council of Thailand; and the chairman for the southern border provinces of the government-appointed Independent Commission on Justice and Civil Liberties, Mr Ukrit Mongkolnavin. As of 4 December 2011, none have taken any action.

The relatives also sent their complaint to the NHRC, but there has been no news of any progress.

No death certificate has been issued.

Incident 30

NAME: Mr Wandi Gazi, Mr Abdullah Eitae, Mr Eruan Masay and Mr Manasay Lohlanay

DATE OF INCIDENT: 23 May 2007

APPROX. LOCATION OF INCIDENT: road between Yaha and Yala districts, Yala province

DATE OF REPORTS: 14 June 2011 (date of second report)

ADDRESS OF VICTIM: Ban Ton-Yee village, Lumphaya district; 79 village no.6, Lam Mai sub-district, Yala district; 85 village no.6, Yala district; and 27/2 village no.1, Lidol sub-district, Yala district; respectively, Yala province

AGE OF VICTIM: 22, 39, 20 and 26, respectively

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: On 23 May 2007, at around 11 a.m., the four men were stopped near a market on the main road between the Yaha and Yala districts of Yala province. Eyewitnesses recount six soldiers at a temporary military checkpoint stopping four young men on two motorbikes. After ten minutes of dispute, the soldiers took all the men (including their vehicles) into military trucks and drove away.

Although witnesses can attest that no obvious arrest warrant (or piece of paper) was exchanged during the turmoil, the distance between themselves and the incident did not enable them to identify particular individuals, the officers' unit or the contents of the discussion.

Mr Wandi Gazi was a business officer working for the furniture manufacturing U.N. Wood Company Ltd., Mr Abdullah Eitae was a contract labourer and father of two, and Mr Eruan Masay and Mr Manasay Lohlanay both worked in building concrete roads in Yaha district, Yala province. None of the men were associated with any organizations, political parties or insurgency groups, except for Manasay, who was briefly a village defense volunteer in the sub-districts of Lidol and Lam Mai.

A few hours before the incident, at around 7.30 a.m., Wandi came to Eruan's home and asked if he would come with him to run an errand. Eruan's older sister and last person to have properly seen all four men, Ms Sapina Masae, said Wandi was dressed like he was going to work. She describes her younger brother getting on the back of Wandi's motorcycle without telling her where he was going. A moment later, Abdullah picked up Manasay – Sapina's son – to go out for a bite to eat. He told her that he would be back soon and she noticed that he did not even take his wallet with him. Though the four men left the house simultaneously, they seemed to be going their separate ways.

The families believe the disappearances must relate to the continuing unpeaceful situation (bombings and violence) in the Yaha district. In such tense atmosphere it is not unusual for young Malayu Muslim men to be stopped and searched, and sometimes more severe tactics are used to force them to provide information.

OFFICIAL ACTION: Concerning Mr Wandi Gazi, an FIR was filed at Mueang Yala Police Station when the family came to know of the event three days after the incident. As of 14 June 2011, the Police of Yala justify their failure to make any progress on the case on insufficient evidence. Wandi's family more recently reported the disappearance to the DSI as recommended by the Village Headman. The DSI refused to officially take on the case and referred the family to JPF.

Manasay's mother (also Eruan's sister) reported the incident at Lam Mai Police Station four days after the incident. She says the police did not follow the formal complaint procedure. As of 14 June 2011, the police have not contacted her with any progress. Abdullah's family reported his disappearance in a similar manner at the same police station five days after the incident – Lam Mai police made another informal logging of the complaint.

Then in 2009, the respective relatives of Eruan, Manasay and Abdullah decided to send a joint complaint to the Southern Border Provinces Administrative Centre (SBPAC). SBPAC required official police documentation to

accept the case. Therefore, in light of this new development, the families filed a joint report with the Lammai Police in 2009. SBPAC, in collaboration with the DSI, has not made any progress on the case.

No death certificates have been issued.

Incident 31

NAME: Mr Mayateng Maranor

DATE OF INCIDENT: 24 June 2007

APPROX. LOCATION OF INCIDENT: victim's residence (as given address)

DATE OF REPORT: 11 October 2011 (date of second report)

ADDRESS OF VICTIM: village no.3, Tanyongnakor village, Bajoh sub-district, Bannang Sata district, Yala province

AGE OF VICTIM: 51

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Mayateng Maranor, janitor by profession at a secondary school in Bannang Sata district, was taken from his house on 24 June 2007, by the local task force and has since not returned.

Mayateng had worked at Ban Bang Lang School for many years before being disappeared. In the few years before his disappearance the school had suffered eight arsonist attacks by alleged insurgency groups. Concerned about his family's safety, Mr Maranor decided to move everyone out of the school's welfare house the family lived in after the second fire. Since then, he has been asked to give testimony after each arsonist case by the Special Task Force 41, which had relocated its headquarters on Bannang Sata Intarachat School's grounds in 2004. Each interview session would take up to four hours and the school's Director would always bring him back home. Mayateng was never believed to have been involved in causing the fires.

On the day of Mayateng's disappearance the situation in the village of Tanyongnakor was unusual. His wife, Ms Sumaei-doh Maranor, recounts 50 army rangers from Special Task Force 41 cordoning the village at around 4 a.m. on 24 June 2007. They spoke to Mayateng and then the rangers set up camp outside the family's house. There is no doubt in identifying the unit as she recognized their uniforms and insignia, in addition to them directly introducing themselves when they set up camp.

At around noon on 24 June 2007, about 10 soldiers entered and searched the victim's house. They then asked the victim why he had let the school burn down and also questioned him about his 15 year old son's whereabouts – the victim denied all allegations. Mayateng was arrested under the powers of martial law. Many of his personal items, including his pickup truck, phone and gun, were confiscated.

His wife and two children were the only ones to see his arrest because their house is not overlooked by any neighbours. As far as the informant is aware, no one saw the convoys driving back to the school as there are no shops or houses in the vicinity.

When Mayateng had not returned, his wife went to the Chief District Officer Mathee Konjanaphuwat to complain. She had previously asked the Task Force for a list of detainees, but was not shown the arrival/departure records; instead she was only told that he had been already released. Mr Konjanaphuwat took her to Special Task Force 41's headquarters to see if they could retrieve more information. However, when they arrived he went inside alone and returned only to inform her that Mayateng had signed out from the visitors' book without a document to prove such effect. In support to this is the testimony given by Second Lieutenant Wirat Kong Kanueng who said that once he had finished interviewing the victim, he saw him talk with Colonel Reantoo and Lieutenant Colonel Korbeit Kemdang, and then saw him drive his pickup truck out of school grounds after 7 p.m.

OFFICIAL ACTION: MAC and the CrCF helped Ms Maranor to take the case to the Criminal and Civil Courts. She filed her husband's disappearance on 2 July 2007, and filed the case of his missing property (including his car) on 9 July 2007, at Bannang Sata Police Station. Although the police initially asked her details to help with their investigation, no progress has been made and the informant was not approached by the police again.

MAC and CrCF initiated a writ under article 90 of the Criminal Procedure Code 2009. This a writ of *habeas corpus* which empowers the court to order the person to be produced before the court and ordered released if the detention is found to be unlawful. The case was heard in the Criminal Provincial Court of Yala. On 16 December 2008 the Provincial Court of Yala acquit the case.

The victim's wife successfully petitioned the Civil Court to announce that the victim was a "disappeared person" for legal purposes.

In another case at the Consumer Court, the victim's wife tried to resolve some problems with debts that her husband had accumulated against the Teacher's Savings and Credit Cooperative. To make the situation worse, the vehicle that disappeared with the debtor had been paid on credit by the Cooperative. However, the victim's wife would only be able to access the victim's salary from his personal bank account by bypassing the five-year waiting period required to be declared a missing person by law. Mayateng was ultimately announced dead according to the Civil and Commercial Code, which entitled his wife to financial benefits, including 5,000 Baht from the Provincial Healing Mechanism of the Ministry of Social Development and Human Security, 50,000 Baht from the Chief of Bannang Sata District Office, and other grants amounting to about 15,000 Baht from the ISOC among other agencies.

Incident 32

NAME: Mr Mayunit Loneeya

DATE OF INCIDENT: 11 July 2007

APPROX. LOCATION OF INCIDENT: Raman district, Yala province

DATE OF REPORT: 18 June 2011 (date of second report)

ADDRESS OF VICTIM: 5/1 village no.2, Samakki sub-district, Rueso district, Narathiwat province

AGE OF VICTIM: unknown

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: On 11 July 2007, Mr Mayunit Loneeya was taken by eight members of the Village Protection Association in civilian clothing, who requested that he go see the Sub-district Administration Organization's overseer regarding information on criminals crossing the border into the country. At the time, Mayunit knew the overseer, Mr Maso Matae, so he went but never returned. His older sister is the last person to have seen Mayunit since that evening. In the morning, she went to the overseer's house for information on her brother's whereabouts; the overseer denied any recollection of a person called Mayunit.

Although the victim had no previous interaction with the security forces, he had been forced to attend a 10 day training course called 'Builders of Peaceful Society First Generation', allegedly in order to have his name taken off the blacklist. Apart from this, Mayunit had not been involved in drugs nor had he been sympathetic to insurgency groups.

OFFICIAL ACTION: Mayunit's family reported his disappearance at Jaqua Police Station, but the police only accepted the case after the family managed to get Narathiwat army base to recognize their plea. In Court, the eight perpetrators were adamant to have released the victim that same night, after trying to haggle a lower price of rubber wood with him. The Attorney – General of Narathiwat has since closed the case due to lack of concrete evidence. Mayunit's wife, Ms Nooreya Yousor, has received some compensation to help with their daughter's education from Luersoh District Council, but Mayunit's business debts are so big that the money will not stretch far enough.

Incident 33

NAME: Mr Marudin Wava

DATE OF INCIDENT: 22 August 2007

APPROX. LOCATION OF INCIDENT: victim's residence (as given address)

DATE OF REPORT: 29 August 2008

ADDRESS OF VICTIM: 122 village no.5, Taling-chan sub-district, Bannang Sata district, Yala province

AGE OF VICTIM: 42

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Religious teacher in Pattani province and father of three, Mr Marudin Wava, was abducted from his house in Taling-chan sub-district, Bannang Sata district, Yala province, on 22 August 2007. At around 7.30 p.m. a group of 10 men in military uniform barged in the home the victim shares with his

wife and children. The assailants showed no warrants and forced Marudin out of the house. The family was not provided with a reason for the attack. They left and Marudin was never seen again.

Ms Marissa Sakor, who is the victim's wife, recognized the assailants from a unit based from Suraj School, although she could not make out their exact unit number. That night the victim's wife was not able to get help as a curfew prevented her from going outside. However, at the break of dawn the next morning she went to the Village Headman and told him about the incident. They went together to Bannang Sata Police Station to report it. In addition, they checked Yea-lapae military camp, but found nothing – the officers denied having a motive to take Marudin.

The incident occurred during the period when the Police Chief of Bannang Sata District, Sompnen Akesomya, implemented the "Battle to Protect Bannang Sata" (*Yuttakarn Pitak Bannang Sata*) and had ordered arrests of anyone suspecting of involvement in the insurgency.

OFFICIAL ACTION: The victim's wife, with the help of the Village Headman, filed a complaint at Bannang Sata Police Station. To date, there has been no news of Marudin's whereabouts.

Incident 34

NAME: Mr Wea-asi Wea-su

DATE OF INCIDENT: 2 November 2007

APPROX. LOCATION OF INCIDENT: victim's residence (as given address)

DATE OF REPORT: 29 August 2008

ADDRESS OF VICTIM: 125/1 village no.4, Banang Kuwae sub-district, Bannang Sata district, Yala province

AGE OF VICTIM: 28

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: On 2 November 2007, Mr Wea-asi Wea-su was picked up from his house by armed men claiming to be the police. Since then, he has not returned home.

The victim's sister and brother-in-law were at the victim's home when the incident happened. They remember the victim tidying his porch when all of a sudden a bronze pickup truck drove up in front of him. There were four men in the vehicle, but only two stepped out. They were dressed of similar green attire that the Royal Thai Police typically wear. The onlookers did not notice an insignia on their uniforms that identified their unit. They, however, noticed that the vehicle had a *Kor Tor Mor* number plate.

The alleged policemen approached the victim and said they were after a "Mr Wea-su". The victim confirmed he was the one they were looking for. They asked that Wea-asi go to the police station immediately – they did not speak of the specific issue this concerned. The victim simply got in their car and they drove off. There was

no mention of which station they were taking Wea-asi, therefore, the family stayed waiting at home for his return. The next morning, there was no sign of Mr Wea-su.

The victim's wife, Ms Kamila Hengdada, said that the whole family was searching for Wea-asi in different places, including Pattani's Ingkayutthaboriharn camp, the Yala ISOC center, and other police and military station around the region. Despite their efforts, the family found no traces of Wea-asi anywhere.

According to Ms Kamila Hengdada nobody saw a car of similar description to the one above in the days following her husband's disappearance.

The incident occurred during the period when the Police Chief of Bannang Sata District, Sompien Akesomya, implemented the "Battle to Protect Bannang Sata" (*Yuttakarn Pitak Bannang Sata*) and had ordered arrests of anyone suspecting of involvement in the insurgency.

OFFICIAL ACTION: The family of the victim reported the disappearance at Bannang Sata Police Station. Major General Jareon Poomnual was the officer in charge of lodging the complaint.

The family was given rice offerings under a Bannang Sata project to help those most in need.

Incident 35

NAME: Mr Roosaming Samamae

DATE OF INCIDENT: 10 March 2009

APPROX. LOCATION OF INCIDENT: Mosque, Beuraeh village, Rueso district, Narathiwat province

DATE OF REPORT: 3 October 2011 (date of second report)

ADDRESS OF VICTIM: 100 village no.1, Samakee sub-district, Rueso district, Narathiwat province

AGE OF VICTIM: 35

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: On 10 March 2009, at around 8 p.m. Mr Roosaming Samanee was abducted at his local Mosque by a group of three men in army ranger uniforms and woollen face masks that covered their faces.

They were several witnesses to the crime as it happened just after the evening prayer had ended. Villagers described the perpetrators storming into the Mosque and asking whether there was a member of the Tambon Administration Organization (TAO) present in Thai language, not Yawi. Roosaming replied that he was but would only have time to see them tomorrow. After which, Roosaming was swiftly apprehended; tied up and placed in a white pickup truck, without licence plates. Though the victim called for help, onlookers did not dare respond as the attackers carried guns.

The people who witnessed the incident went to tell the victim's wife, as soon as it was safe to do so. The moment she heard the news she phoned her husband's mobile phone – he answered but only to plea for help. Since then, she has not been able to get him on the phone again.

Unfortunately, no one along the way to Sawoh Hooloo army base, or any way else for that matter, saw a truck of a similar description pass by. As of 3 October 2011, Mr Samamae's whereabouts remain unknown.

Although the victim was reported to not be involved in drugs or associated with anyone involved in the escalating violence in Rueso city, he was member of the TAO of Tambon Samakkhi, Ruesok district, Narathiwat province. He had also worked with the TAO for less than a year when he was abducted (his term starting in 2007 and finishing in 2011) which enabled him to mingle with many police and military officers from different departments. Since then, the victim retired from working for the Government and has kept busy with his rice business.

The victim and his family have been warned by soldiers to be careful because persons with an official standing were disappearing more and more in the district. In fact in 2007 his sister-in-law was shot and wounded, after which Mr Samamae was regularly questioned by Special Task Force 30 to help them in their investigation.

After talking with her husband on the phone, the victim's wife called soldiers from the Special Task Force 30 to help apprehend the vehicle. Then, she and some villagers went to Narathiwat's Special Task Force in person and remained there until 2 or 3 a.m. In the meantime, the soldiers failed to locate the vehicle.

The victim's wife searched various army bases in the hope to find her husband detained in one of them. They all denied holding the victim (although the Narathiwat Ratchanakarin base failed to provide her a written statement to such effect, as is normal procedure). Finally, she reported the incident to the Rueso Police, but they remain unsuccessful in locating his whereabouts.

Since then the Village Headman, who had taken an interest in helping the family, was shot dead by an unknown assailant. As a result, concerns for the safety of Ms Tayoh, her two children and the Mosque eyewitnesses have arisen. In fact, the victim's wife was accosted by soldiers when they saw her talk on the phone in front of her house a few months before she was interviewed by JPF.

OFFICIAL ACTION: On the morning of 11 March 2009, the victim's wife went to report the incident at Rueso Police Station. She went with her niece and nephew, who had been present at the Mosque on the night of the incident. The police wrote down the information the visitors provided and went to the scene of incident. Yet, due to lack of concrete evidence, no progress has been made in finding out what happened to the victim as of 3 October 2011.

4,500 Baht per month was awarded to the family for a year – the financial assistance came from Sirinton army base in Yala province.

Incident 36

NAME: Mr Abdulloh Abukaree

DATE OF INCIDENT: 11 December 2009

APPROX. LOCATION OF INCIDENT: Beujang village, Bor Gnor sub-district, Ra-ngae district, Narathiwat province

DATE OF REPORT: numerous interviews were conducted prior to murder of the victim's wife. The most recent was around June 2011.

ADDRESS OF VICTIM: Beujang village, Bor Gnor sub-district, Ra-ngae district, Narathiwat province

AGE OF VICTIM: 25 (approx.)

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Abdulloh Abukaree was one of the five young men²⁵ who were arrested in conjunction with the Narathiwat Pileng Camp gun robbery case of 4 January 2004. The men were alleged to have been tortured (beaten and being urinated on the face and in the mouth) whilst in detention with the police. Their defence lawyer (who was himself disappeared on March 12, 2004) had voiced strong public criticism of the torture perpetrated by the police and filed a case against the alleged police perpetrators.

Although the gun robbery case was later dismissed by the Narathiwat Court, the torture allegations were taken on by the DSI. The DSI henceforth provided protection for Mr Abukaree and two others²⁶ to later testify in the Court for the crimes they witnessed.

The DSI presented their investigation report to the Office of the National Counter Corruption Commission (NCCC) which subsequently called for more than 10 police officers to be investigated. The person in charge of the investigation was Colonel Piyawat Kingket, Head of Special Case Investigation, DSI.

Under the witness protection programme, Abdulloh was forced to relocate to Bangkok by himself; away from his family to Narathiwat. It had been five years since he had been in the programme when he decided to visit home for the Muslim New Year. He returned to Beujang village on 23 November 2009.

On 11 December 2009, at around 8 p.m., the victim left his house by motorbike to go to meet friends at a teashop near his house. His wife said it was common for her husband to go out after the evening prayer, but that he would normally be back by 10 p.m. This time she waited all night but he never returned.²⁷

Later that night, Abdulloh's wife heard a noise which sounded like her husband's motorbike. She also said she heard what sounded like his motorbike horn three times in front of the house. She then heard one gunshot in front of the house. She looked out the window but saw nothing so she and the children went to sleep.

The next morning, on 12 December 2009, she told the Village Headman about last night's incident. The Village Headman called her to say that her husband's motorbike (a bronze Honda Wave) was found by soldiers parked in front of the Tan Yong Limor village, 20 km from her house. The motorbike was returned to the victim's family after the police kept it for two weeks for forensics.

²⁵ Mr Makata Harong, Mr Sukree Maming, Mr Manasae Mama, Mr Suderueman Malae and Mr Abdulloh Abukaree

²⁶ Mr Manasae Mama and Mr Suderueman Malae

²⁷ Isara Institution News Online, interview with Jeh-Rohaning Yusoh on December 28, 2009, available at: www.isaranews.org

The victim's mother, Ms Mastah Jeh-u-ma, believed that the reason for her son's disappearance related to his status as a witness of the DSI.²⁸ The village is in a "Red Zone" and it is possible that he was abducted by insurgents.

The victim's wife, Jeh-Rohaning, was later shot at point-blank near her house (Beujang village, Bor-Gnor sub-district, Ra-ngae district, Narathiwat province) on 29 August 2011, at about 4.45 p.m.

OFFICIAL ACTION: Jeh-Rohaning reported him a missing person to Ra-ngae Police Station and the Director of DSI, the Colonel Kingkeat, on 12 December 2009, after seeing the motorbike of her husband at the army base as mentioned above.

On 18 December 2009, Lieutenant Colonel Chawal Wongrade of Ra-ngae Police Station, together with a staff of the DSI, an assistant Rag-nae district officer and soldiers, came to question the victim's wife to start the investigation.

To date, the local police had not passed the investigation files to the public prosecutor yet and the DSI had not accepted the case as a special case yet. Even if the DSI has cooperated with the local police in investigating the case, but there has been no progress so far and no government officials have been proved responsible.

Incident 37

NAME: Mr Doromea Jaelea

DATE OF INCIDENT: 17 March 2010

APPROX. LOCATION OF INCIDENT: Jabangtigaw sub-district, Pattani district, Pattani province

DATE OF REPORT: 26 September 2011

ADDRESS OF VICTIM: 34 village no.3, Bara Ho sub-district, Pattani district, Pattani province

AGE OF VICTIM: 46 (approx.)

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Doromea Jaelea – a goods mover at the market and father of six – disappeared on his way to work on 17 March 2010. He left his house on his motorbike at around 5 a.m.; neither he nor his motorbike has been seen since that day.

Concerned that her husband had not returned yet, his wife, Ms Patimo Ma Moh, first sent her son to the market to look for him. Doroemae's friend told the son that the victim had not been to work that day. The family went to the Mueang Pattani Police Station to try to report the disappearance, but the police refused for

²⁸ Information provided by Angkhana Neelapaijit based on research by the Ministry of Justice Working Committee to gather information and pursuit missing person and to heal the wounds caused to people in the Deep South from actions perpetrated by security forces.

they cannot accept cases where the person has been missing for less than 24 hours. They then tried Ingkayutthaboriharn army base (Pattani province), but his name was not on the entry list.

The victim was not involved with insurgents, nor was he ever previously arrested, but he had been placed on the blacklist for reasons that were not made evident to him or his family. In 2009, officers in army uniforms came to his house and searched the property. The victim's wife recognized the soldiers to be from the Pu Yut army checkpoint not far from where they live. She said that after that initial search, soldiers would come after every violent incident in the area as they suspected Doromea to be an insurgent criminal.

It is not unusual for people to be taken by the army, but most of the time the families know they have been taken and they tend to return within a few weeks. The victim's wife talks of other men from Lada village, for example, one was taken to Suan Somdet army base for a month. In comparison, after many months, Mr Jaelea remains missing.

OFFICIAL ACTION: On 18 March 2010, the family filed a report with the police.

Incident 38

NAME: Mr Ibroheng Karhong and Mr Dolhami Marea

DATE OF INCIDENT: 30 April 2011

APPROX. LOCATION OF INCIDENT: Border Patrol Police Camp of Naresuan, between villages nos.1 and 2, Banglang sub-district, Bannang Sata district, Yala province

DATE OF REPORTS: 15 June 2011

ADDRESS OF VICTIM: village no.2, Ban Santi village, Banglang sub-district, Bannang Sata district, Yala province

AGE OF VICTIM: 25 and 23, respectively

ETHNICITY: Malayu

SUMMARY OF TESTIMONY: Mr Ibroheng Karhong was a rubber tree tapper and gardener. He had married only seven to eight months before his disappearance. On the day he disappeared, he was attempting to retrieve his confiscated boat from the Border Patrol Police Camp of Naresuan. His friend, Dolhami Marea, had gone with Ibroheng for support. Neither Ibroheng nor Dolhami returned home on the evening of 30 April 2011.

Ibroheng's boat had been taken away by the local border patrol police, locally known as the 'Parachute Police Camp', on 27 April 2011. Both Ibroheng and his wife, Ms Nur-armanee Euma, were absent when it happened and so were not made aware of the reason why the police had confiscated their property (Nur-armenee's younger sister was the only one to witness the confiscation). On 30 April, it was Ibroheng's intention to try and get his boat back with diplomacy, which is why he had enquired the help of the Village Headman (although

the victims henceforth missed their appointment with the Village Headman earlier the same day they disappeared).

Ibroheng had never complained to the authorities about anything before, and he had never had any altercations with anyone. Ibroheng was a law-abiding citizen and the only time he had contact with state officers was when they would bring medicine and food to the villagers from His Majesty the King of Thailand. The informant explained that they would ask to see identification before handing over the offerings.

When Ibroheng had not returned home, his father, Mr Hama Karhong, was the first to inquire at the Naresuan Camp about his son's whereabouts. He was informed by a police officer (with unknown ranking) that no persons of such description were spotted there. The father asked to come inside the grounds but was denied entry. He gave his contact number to the officer, as well as a photo of his son. As of 15 June 2011, no one has phoned him back.

Ibroheng's older brother and friend of Dolhami, Mr Hasming Karhong, informed Dolhami's family in Tantoo district about Dolhami disappearing and explained the story of the missing boat to them on 1 May 2011.

The reason why the victims' families firmly believe the Border Patrol Police Camp of Naresuan is lying and that they are in fact responsible for the men's disappearance is because a witness' account confirms that was the last place they were seen since the 30 April 2011. The eyewitness was looking for birds in front of the military camp when at around 5.30 p.m. he saw the victims drive a motorbike to the camp gates and into the camp located between villages 1 and 2, Banglang sub-district, Bannang Sata district, Yala province (it was later determined that the motorbike was Dolhami's bronze Honda Wave – it has not been found either since that last sighting). Unfortunately, this person cannot be named as he refuses to be associated with the incident out-of-fear. He met twice with the family to explain what he saw, but later refused to testify as a witness. The family described him as a normal villager with no concealed allegiances.

The eyewitness' account correlates well with accounts from family members. First, Ibroheng's wife heard the two men discussing the boat's retrieval earlier on the day of 30 April 2011. Then Ibroheng's brother Hasming said he saw Ibroheng at around 4 p.m.; Ibroheng told him that he was going to get his boat back. Then, at around 7 p.m., Ibroheng's other brother, Mr Makorseng Karhong, called Ibroheng's wife asking whether Ibroheng had come back home. She replied he had not. Makorseng then tried many times to call Ibroheng's mobile phone, as well as Dolhami's, but without avail. After a while, the phones stopped ringing and went straight to answering machine – they had been turned off.

OFFICIAL ACTION: Ibroheng's brother, Makorseng, complained to MAC, and they in turn passed on the case to CrCF. CrCF suggested that the relatives file the case at Bannang Sata Police Station. The relatives also complained at the Damrong Tham Center (governmental office under the SBPAC) in Mueang Yala. They then sent a complaint letter to the Police Centre in the southernmost provinces to investigate the case. The Centre estimated it would take three months to investigate the case. Seven days after the incident, the Police Center sent their Region 9 unit to interview the families of the victims. Since then, there has been no update to the investigation, but the case was transferred to Bannang Sata Police Station.

In addition, Dolhami's family met with Police Captain Jedsada Chumpol from the Border Patrol Police Camp on 2 May 2011. He denied knowing anything about a missing boat and suggested that the family complain to the Tantoo Police Station

While there were some attempts from the authorities to help investigate the case by setting up a special committee in the Police Center; none seem to have come to fruition. The relatives of the disappeared do not think that any authority takes seriously the responsibility to seek for the missing persons. As of 15 June 2011, there has been no progress in finding out where the bodies are concealed, how and why it happened.

The SBPAC approved to give the family compensation to pay back debts owed by Ibroheng, but these have yet to be paid to them.

The case was submitted to the UNWGEID by JPF on 15 August 2011.

BANGKOK

Incident 39

NAME: Mr Thanong Pho-an

DATE OF INCIDENT: 19 June 1991

APPROX. LOCATION OF INCIDENT: 415/1 Radpatana rd., Bangpagoek, Radburana, Bangkok, 10140, Thailand

AGE OF VICTIM: 55

SUMMARY: At the time of his disappearance, Tanong Pho-an was a senator, Chairman of the Thai Labour Congress and Deputy Chairman of the International Council of Free Trade Unions Asia-Pacific Regional Office and was campaigning against the military-government's dissolution of state enterprise labour unions.²⁹ Prior to his disappearance Tanong received threatening phone calls, told colleagues he believed he was being followed and was ordered by the Ministry of Interior to not attend the annual meeting of the International Labour Organisation in Geneva. He was last seen by a colleague leaving his office on the evening of 19 June 1991. The following morning his car was found parked at a strange angle on the curb in front of his office with what appeared to be footprints of army boots on the backseat. Tanong has not been seen since. The military-Government denied any involvement in his disappearance.

OFFICIAL ACTION: In 1993 the Thai Parliamentary Committee on Justice and Human Rights, which reviewed the case and heard testimony from academics and police witnesses, concluded that the probable cause of Tanong's disappearance was his conflict with the military-Government but said it found no new information and refused to make its report public. The Parliamentary Committee on Labour and Social Welfare also conducted an investigation but it was not made public. In June 2000, access to these two reports was requested under the Official Information Act but was denied on the grounds that release of the information would have an impact on others. In October 2001, the Government of Thaksin Shinawatra ordered the newly established Independent Committee for Investigating Missing Persons and Paying Compensation to the Victims of the Black May Events of 1992 to also investigate Tanong's disappearance.

²⁹ Bangkok Post, *Thanong Mystery*, 21 November 2001.

Incident 40

NAME: Mr Somchai Neelapaijit

DATE OF INCIDENT: 12 March 2004

APPROX. LOCATION OF INCIDENT: Ramkamheang Road, near Hua Mark police station, Bangkok

ADDRESS OF VICTIM: 73/5 Soi Issaraphap 11, Issaraphap Road, Thonburi, Bangkok 10600

AGE OF VICTIM: 55

ETHNICITY: Thai Muslim

SUMMARY OF TESTIMONY: Somchai was a prominent human rights lawyer known for his work on politically controversial cases, including representing individuals accused of terrorism-related offences. He was the chairman of the Muslim Lawyer Club and Vice-Chair of the Human Rights Committee of the Lawyers Council of Thailand. In the lead up to his disappearance, Somchai had played a key role in collecting names for a petition of 50,000 signatures to request that martial law be lifted in the south following its imposition in response to the 4 January 2004 gun robbery. Somchai was also asked to represent some of the men accused of involvement in the robbery. The men had been tortured to extract confessions. Somchai made public information about the torture and the perpetrators in a powerful speech on 27 February 2004. He submitted a court petition to have the five men released, which was rejected. The day before his disappearance, 11 March 2004, his law office submitted a petition alleging abuse, to the Ministry of Justice, the Ministry of Interior, the Royal Thai Police, the Attorney General's Office, the National Human Rights Commission, the Prime Minister and the Office of the Senate.

On 12 March 2004, Somchai was waiting to meet a colleague Kitcha Ali-Ishak lobby of Chaleena Hotel, Ramkamhaeng Road but he did not arrive for the meeting, so at 8.15 p.m. Somchai left in his car. At around 8.30 p.m. witnesses saw another car force Somchai to stop his car. Four or five men from the other car forced Somchai into their car and drove off. He has not been seen since. While several senior government officials, including a former Prime Minister, the Attorney General and the DSI investigators, have publicly stated that they have evidence Somchai is dead, his body has never been located nor his murderers brought to justice.³⁰

OFFICIAL ACTION: The Magistrates Court found one of the five accused policemen guilty of coercion. The family appealed as did the policeman who was found guilty.

11 March 2011, the Appeal Court ruled that Somchai's wife, Angkana, and his daughters and son, could not be considered as joint plaintiffs because legally they could not act on behalf the "injured person or dead person" in the case of the disappeared victim of Somchai to institute a criminal prosecution based on the conditions provided by sections 5 and 28 of the Criminal Procedure Code.

³⁰ This summarizes information in the report of the International Commission of Jurists, "Somchai Neelapaichit – Report on Trial & Investigation", March 2009. See the report for further details.

The Appeal Court also ruled that for the 2nd (Pol. Major Sinchai Nimpunyakampong), 3rd (Pol. Sergeant Major Chaiweng Paduang) and 4th (Pol. Sergeant Rundorn Sithiket) defendants, there was not enough evidence that could link them or involve them in the incident because the eyewitnesses could not remember their faces. The eyewitnesses also did not identify the defendants in open court room when they were testifying.

With regard to the 5th defendant (Pol. Lieutenant Colonel Chadchai Liamsanguan, who has now changed his name to be Pol.Colonel Napanwut Liamsanguan), it was concluded that he was not present at the place where the incident happened. Even though there have been records of his communications with other defendants when the incident happened; however, the record that the prosecutor had submitted in court as evidence is only a photocopy of the original document. The prosecutor who submitted the evidence also did not present in court the person who made the copy to testify. As for 1st defendant Police Major Ngern Thongsuk, the Appeal Court also ruled that none of the four eyewitnesses against him were able to point or identify him in an open court as the person responsible for Somchai's disappearance.

The court also ruled as inadmissible the other documents which had been certified as true copies the prosecutors had submitted. It ruled that although the lawyer in question had certified the papers, he had not made the photocopies himself, thus the lawyer was unable to certify these were copies of the originals. The prosecutor, however, failed to call the photocopy person in the court for testimony.

Annex II: Brief summary of cases of killings of environmental activists between 2001 and 2004 taken from the Thai Working Group for Human Rights Defenders report³¹

At this time of his death, Jurin Ratchapol, age 55, resided in Baan Bang Pae, Tambon Pa Khlok, Amphur Talang, in Phuket province. He was a rubber tapper and supplemented his income by fishing in Pa Khlok bay. He was the leader of the Baan Pa Khlok Conservation Association. He was a kind and generous person who always helped others without expecting anything in return; he was known as a quiet person with a positive attitude who never quarreled with other people. He is survived by his wife, Ladda, their son, Sutin, and their two daughters, Pimpa and Pimporn.

At the time of his death, Narin Phodaeng, age 67, resided in Baan Khlong Hin, Tambon Huay Thap Mon, Amphur Khao Chamao, in Rayong province. He was a farmer. He was president of the Khao Cha-ang Klang Thung Environmental Protection and Natural Resource Conservation Association. He was hard-working, accountable, and always willing to sacrifice for the greater good. He is survived by his wife, Saibua, and their four children.

At the time of his death, Pithak Tonwut, age 30, resided at 179 village no.1, Baan Chompoo, Tambon Chompoo, Amphur Nunmaprang, in Phitsanulok province. He was studying for a law degree and served as the advisor to the Conserve Chompoo River Basin Network. He is survived by his wife, Yupaporn, and their daughter, Hongpitcha, age 3 and a half.

At the time of her death, Chaweewan Pueksungnoen, age 35, resided at 155 village no.5, Tambon Na Klang, Amphur Sungnoen, in Nakhon Ratchasima province. In her work for the Na Klang Tambon Administrative Organization, Chaweewan campaigned against fraudulence in local construction building projects. Straightforward and courageous, she loved justice and the struggle for justice. She is survived by her two children, age 7 and age 9.

At the time of his death, Suwat Wongpiyasathit, age 45, resided at 42/718-9 rd. 2G/1, Baan Jamjuree village, Thanon Kingkaew, Tambon Ratchathewa, Amphur Bang Phli, in Samut Prakarn province. He was a leader of the opposition to the garbage landfill in Tambon Ratchathewa. He is survived by his wife, Theeranut, and their two sons.

At the time of his death, Somporn Chanapol, age 41, resided at 69/5 village no.2, Tambon Khlong Sra, Amphur Kanchanadit, in Surat Thani province. He was a farmer and the president of the Khlong Kra Dae Environmental Conservation Group. He was straightforward and respected by the villagers in Khlong Kra Dae. An avid reader, he studied and loved knowledge. He is survived by his wife, Wilaiwan, and their two daughters, Thantawan, age 14, and Thanthima, age 11.

At the time of his death, Kaew Binpanma, age 59, lived in Baan Doi Noi, Tambon Doi Loh, in Chiang Mai province. He was a leader in the landless peoples' movement with the Northern Farmers' Federation; he led

³¹ The life stories of the murdered activists originally appeared in "Pradap Wai Nai Lokaa," or "Adorning the World" in Fa Dieu Kan magazine, Volume 2, Number 4 (October – December 2004), pages 42-87.

the villagers in Baan Doi Noi to use unoccupied land. He is survived by his two sons, Naret, age 31, who is blind from glaucoma, and Charan, age 34.

At the time of his death, Boonsom Nimnoi, age 44, resided at 60 village no.5, Tambon Bang Kaew, Amphur Baan Laem, in Petchburi province. He was a seafood merchant. In addition, he was a member of the Bang Kaew Tambon Administrative Organization, a member of the Baan Laem Ocean Conservation Group, and a leader of the opposition to the petrochemical project in Petchburi. Beloved by the community, especially children, he liked helping his neighbours and fellow villagers. He was a kind-hearted man who neither gambled nor smoked. He is survived by his wife, Kree.

At the time of his death, Preecha Thongpaen, age 57, resided at 136 village no.8, Tambon Kuan Krod, Amphur Thung Song, in Nakorn Si Thammarat province. He was the assistant headman of Tambon Kuan Krod as well as a leader of the Tambon Kuan Krod Environmental Conservation Group. He is survived by his wife, Yuen Thongpaen, and their four children.

At the time of his death, Boonrit Channarong, age 55, resided at 158/706 village no.9, Baan Intritong, Tambon Khlong Pa, Amphur Tha Chana, in Surat Thani province. He was a rubber tapper. He always sacrificed for others and helped with collective projects. Their youngest child is studying Mattayom 2 (Grade 8). He is survived by his wife, Aporn, and their seven children.

At the time of his death, Boonyong Intawong, age 42, resided at 202 village no.1, Baan Rong Ha, Tambon Pha Ngam, Amphur Wieng Chai, in Chiang Rai province. He was a buffalo merchant and also served as the assistant headman of Baan Rong Ha. He was the leader of the opposition to the Doi Mae Auk Roo stone quarry. He is survived by his wife, Kraisorn, and their two children.

At the time of his death, Khampan Suksai, age 59, resided at 198 village no1, Tambon Mae Na, Amphur Chiang Dao, in Chiang Mai province. Easy-going and sincere in everything he did, Khampan was a farmer. He served as the headman of Baan Pa Bong village, president of the Baan Pa Bong Community Forest, and vice president of the Upper Ping River Basin Community Forestry Network. He is survived by his wife, Suja, and their daughter, Yupawadee, age 27.

At the time of his death, Samnao Srisongkhram, age 38, resided at 12 village no.8, Tambon Kok Sung, Amphur Ubonrat, in Khon Kaen province. He was a farmer and president of the Lam Nam Phong Environmental Conservation Association. He is survived by his wife, Mayuree, and their son, age 9, and daughter, age 2.

At the time of his death, Charoen Wat-aksorn, age 37, resided at 89 village no.6, Tambon Bo Nok, Amphur Muang, in Prachuab Khiri Khan province. He was the president of the Love Bo Nok Group. He was a cheerful person who loved justice. He is survived by his wife, Korn-uma Pongnoi.

At the time of his death, Supol Sirijant, age 58, resided in Baan Daen Udom, village no.7, Tambon Mae Mok, Amphur Thun, in Lamphun province. He was the headman of Baan Daen Udom and a leader in the Mae Mok Community Forestry Network. He is survived by his wife, Kobkaew, and their son, Nikorn, age 34.

At the time of her death, Pakwipa Chaloeinklin, age 49, resided at 129/N Baan Hua Krabu, Tambon Pa Mok, Amphur Ba Mok, in Ang Thong province. She was the vice president of the Baan Hua Krabu community group. She is survived by her husband, Prayot, and their three children.

Thailand has a decades long history of state violence and authoritarianism. Enforced disappearances take place in this context and cannot be divorced from the broader, often violent, political context. This report finds that enforced disappearances should be viewed as one manifestation of the violent methods employed by the Thai state to stamp out dissent or to eliminate suspected criminals, outside of the rule of law. As a result of state impunity, enforced disappearances, along with extra-judicial killings, arbitrary detention, torture, threats and intimidation, have become legitimized as necessary and appropriate extra-legal methods of policing the Thai state.

This report documents 40 incidents that involve the enforced disappearance of 59 people. The report reveals how two government policies, the 2003 War on Narcotic Drugs and the post 2001 policies responding to the insurgency in southern Thailand, have directly contributed to the practice of enforced disappearances. The report also finds that other groups are vulnerable to enforced disappearances, including: activists, witnesses, migrants and those who have come into conflict with officials resulting in personal conflict. The report reveals that there is evidence to suggest that those who are enforced disappearances also experience other human rights violations including arbitrary detention, torture and extra-judicial killings.

The report concludes that judicial remedies, the right to truth and the right to reparations for enforced disappearances remain largely denied by the State in Thailand.

The report sets out recommendations for the Thai Government, which, if followed, would contribute to bringing an end to the practice of enforced disappearances and deliver remedies to the relatives of the disappeared.

"I don't know where my husband's body is; I just know that people in the [military] base have something to do with it. All I know from the villagers is that the body that held my husband's spirit was wrapped in cloth and buried by the soldiers. I want to find his body so I can bury him according to my beliefs."

Wife of a man who was disappeared in northern Thailand during the 2003 War on Narcotic Drugs.

"We don't want to ask for anything from the government, because those who petition a lot get scrutinized. We haven't dared to let people know what happened. We have never discussed this with anyone, especially the police and military."

Wife of another man who was disappeared in northern Thailand in 2010.

"In the case of the missing persons, the police did absolutely nothing other than file that they had been reported missing."

Relative of Wan and Somai Ue-Bon-Shue, who disappeared in Kalasin in 2005.

"I want to know the truth; I want her body back. Compensation is necessary because our family is having difficulties."

Son of Oaynapa, who disappeared in Kalasin in 2004

"Around 10 soldiers knocked on the door and asked for Mr Marudin. They shouted "where is he" around three times, but he didn't reply. Then they broke down the door and came into the house. They forced him and with no reason took my husband away. I tried to pull him back but I could not."

Wife of Marudin Wave, who disappeared in 2007 in Yala.

"Villagers who saw the incident believe the perpetrators were soldiers, because they were dressed like soldiers and carried military weapons. As for the reason for his disappearance, I can't say because he never had any conflicts with anyone. There was only the warning that his younger sister had received, and I believe it was a result of the climate of violence that was evident at the time and the priority of the authorities was to arrest leaders and religious figures in the area."

Wife of Rosaming Samamae, who disappeared in 2009 in Narathiwat