

**“THEY TOOK  
NOTHING BUT  
HIS LIFE”**

UNLAWFUL KILLINGS IN  
THAILAND’S SOUTHERN  
INSURGENCY

**AMNESTY  
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## MAP OF SOUTHERN THAILAND



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# 1. INTRODUCTION AND SUMMARY

**“These days I am so scared that I only leave the house in a group of people, and the sound of gunshots makes me physically shake.”**

The woman quoted above survived an attack that left her husband dead in August 2009, apparently at the hands of insurgents in southern Thailand. While she and her husband, Noi Kaewthong, an undertaker appointed by the District Office, were returning home one morning, two motorcycles appeared on either side of their pick-up truck and began shooting at them. A bullet went through both her husband’s neck and her right shoulder, before resting to the side of her right breast. The insurgents then approached their wrecked vehicle and shot her husband twice more at close range, while she pretended to be dead. When the insurgents had gone, she tried to flag down 11 cars that drove past, but none stopped. So she walked to a paramilitary check-point 3km away, where she learned for the first time that she too had been shot.

For the past seven and a half years, all or part of Thailand’s four southern-most provinces have been wracked by an insurgency pitting variously armed and organized ethnic Malays—nearly all Muslims—against the officially and predominantly Buddhist Thai state. Nearly 5,000 people have been killed<sup>1</sup> and thousands more injured. The Thai authorities have arrested over 5,000 people,<sup>2</sup> many of whom were then arbitrarily detained, and in many cases, subjected systematically to torture. The government has also resorted to enforced disappearances and extrajudicial executions.

On their side, the insurgents have deliberately attacked “soft targets”—farmers, house-workers, teachers, students, religious leaders, monks, civil servants, or persons with vague or tenuous affiliation with the security forces or counter-insurgency efforts. From January 2004 to June 2011 (the latest month for which statistics were available), at least 64 per cent of all those killed in the conflict were civilians,<sup>3</sup> or in legal terms, “persons taking no active part in hostilities”.

Amnesty International believes that the insurgents in southern Thailand, through widespread killings of civilians from both Buddhist and Muslim communities, are committing acts aimed at spreading terror among the civilian population. Although beyond the scope of this report, other actions by the insurgents are also aimed at spreading terror, including detonating bombs in markets and other crowded places; planting improvised explosive devices by the side of busy streets; planting landmines on rubber plantations; beheading some of their

victims; and attacking (often via drive-by shootings) or otherwise destroying or defacing businesses, infrastructure, or other private or public property. Amnesty International calls on the insurgents to immediately cease attacks deliberately targeting civilians, indiscriminate attacks, and other violations of international humanitarian law, many of which constitute war crimes.

This report examines the circumstances surrounding 82 deaths that resulted from attacks by insurgents. Fifty-five of those killed were Muslims, while 27 were Buddhists—reflecting the fact that a majority (59 per cent) of those killed in the southern conflict have been Muslim (with Buddhists making up a majority, 60 per cent, of those injured).<sup>4</sup>

Individual cases are illustrative. Insurgents killed a 53 year-old Buddhist construction worker while he travelled from Pattani province to Yala province in October 2009. In Pattani, they shot a teacher of Islamic studies just minutes after praying alongside him in a mosque. In Narathiwat province in May 2010, insurgents shot a village headman at close range while he was inspecting the construction of a village defence militia check-point. They did not stop the workers from fleeing before killing the local official, while two months earlier in Pattani insurgents allowed an off-duty police officer's travelling companion to exit their car before firing 18 rounds at him.

Targeting persons taking no active part in hostilities violates one of the key rules of international humanitarian law, as it pertains to armed conflicts such as the one in southern Thailand, which is an internal or "non-international" conflict. Article 3 common to the four Geneva Conventions of 1949, which is binding on all parties to internal armed conflicts, provides that certain acts against "persons taking no active part in the hostilities ... are and shall remain prohibited at any time and in any place whatsoever".<sup>5</sup> Under customary international humanitarian law, "[a]cts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited".<sup>6</sup>

Although this current phase of the southern Thailand insurgency has been active since early 2004, the insurgents have not clearly articulated their reasons for taking up arms or their aims or demands. Various armed and organized ethnic minority Malays have been agitating against the officially and predominantly Buddhist Thai state intermittently for the past 100 years in Thailand's deep South—Narathiwat, Pattani, Yala, and parts of Songkhla provinces—where 94 per cent of residents identify themselves as Muslim.<sup>7</sup> The ability to worship and carry out Islamic religious practices has not been at issue, but other grievances, both past and present, have overlap with southern Malays' ethnic minority status: the status and curriculum of Islamic schools; the recognition of educational degrees obtained at Islamic institutions abroad; the language of instruction/use in both state-run and private Islamic schools and in the workplace. Other grievances relate to the degree of representation of ethnic Malays in both local and national government; the level of economic and educational investment in the deep South by the central government in Bangkok; and a sense of general discrimination.

The current, particularly deadly, phase of the insurgency began on 4 January 2004, when insurgents killed four soldiers while raiding an arms depot and staging smaller attacks simultaneously. As Amnesty International’s research demonstrates, however, these fighters, non-state actors who have taken up armed struggle against the Thai state, have not limited their violence to Thailand’s security forces. Rather, the insurgents have increasingly targeted persons taking no active part in hostilities, particularly since an initial period of military rule in Thailand following a *coup d’état* in September 2006. Although some of the civilian deaths in the deep South have been the result of the indiscriminate (reckless or disproportionate) use of force by either the insurgents or Thai security forces, this report—as well as considerable secondary information—demonstrates that many have been on account of attacks by insurgents specifically targeting civilians.

Insurgents, reportedly numbering over 9,400 leaders, operatives, and supporters as of February 2010,<sup>8</sup> carry out the vast majority of fatal attacks in the South. Between January 2004 and June 2011, there were a total of 10,890 incidents of violence, resulting in at least 4,766 deaths and 7,808 injuries.<sup>9</sup> While incidents of violence dropped significantly in 2008, as did the number of casualties (though less dramatically),<sup>10</sup> both indicators generally began climbing in mid-2009 and are currently trending toward pre-2008 levels.<sup>11</sup>

Insurgent groups are typically organized into cells, with leadership that is decentralized, loosely co-ordinated, and largely anonymous. The National Revolutionary Front (*Barisan Revolusi Nasional*)-Coordinate (BRN-Coordinate) is likely the strongest and best organized of the many groups fighting since 2004. Thai security forces believe that it consists of bodies that correspond to the state bureaucracy: regional, provincial, district, and subdistrict, with a strong presence in about 30 per cent of the villages in the relevant provinces. Many villages have been “either persuaded or terrorized” into co-operating with them; refusing to co-operate with the authorities; informing for them; guarding hostages; preventing officials from entering; and mobilizing protesters.<sup>12</sup>

While it is difficult to determine to what extent BRN-Coordinate (and other groups) operate with a strong chain of command and internal discipline, such a chain is said to exist up to the provincial level in its military wing. It is divided into three branches of 600-1,000 fighters, who in turn are split among hundreds of village-based units of six fighters each, known as *Runda Kumpulan Kecil* (RKK), and a much smaller number of commando teams. The RKK are grouped in larger units generally resembling common military structure, while the commando teams, containing jungle, rapid attack, bomb, and medical units, deploy where they are needed.<sup>13</sup> According to one report, rifts remain between fighters of the younger generation and older leaders, who “are concerned with the collateral damage and the deaths of civilians”.<sup>14</sup>

## 1.1 EFFECTS OF THE INSURGENCY

As a result of this relatively high level of violence and insecurity, many people living in southern Thailand have decided that the only way to ensure their economic and even physical survival has been to relocate. Some relocation has been official, replete with the changing of household registrations, while other movement has been temporary or fluid.

Buddhists account for a disproportionately large share of this movement and its attendant demographic changes, which appear overall to have been most pronounced early on during the renewed insurgency. In 2007, General Wattanachai Chaimuenwong, then chief advisor to the government in the deep South, told the media that "the Buddhist population has declined sharply".<sup>15</sup> In March of that year, a southern source claimed that 15 per cent of the Buddhist population had left the region.<sup>16</sup> A witness to the killing of a Muslim barbershop owner in Yala in October 2010 told Amnesty International that "we used to have Buddhists living here before 2004, but it is now completely Muslim". Two interviewees from Pattani separately speculated that the insurgents want to "chase out" the Buddhists, while a village headman in Pattani's Yarang district added that "only the elderly Buddhists remain". The parents of a village headman's assistant killed in Narathiwat in February 2011, remarked that "this area is under the insurgents' control and completely Muslim as all the Buddhists have long gone".

The insurgency has probably not been the sole cause of this movement, but as other interviewees explained, the insecurity caused by the insurgents has doubtless been a major factor. Another village headman in Yarang said that between 2005 and 2010, 12 of the 60 Buddhist households (20 per cent) in his village left, while all of the 160 Muslim families remain. He attributed the movement to the nine insurgent attacks—all but one fatal—that took place either in his village or against its residents during that period. A community leader in Yarang who oversees three villages noted that in 2006 one of them saw all ten Buddhist households move out "because of the insurgency".

An ethnic Malay journalist placed this anecdotal information in a wider context, estimating that 20 per cent of the families in the most insecure districts have moved since 2004, even if most have kept their household registrations in those districts. An assistant District Officer in Pattani added that some families who have chosen to stay have still purchased land outside the insurgency-affected provinces, "so that their children will be safe and they can join them if things continue or get worse". Both sources told Amnesty International that most of this movement applied primarily to Buddhists, for whom the deep South may not be their place of origin and who may feel more welcome elsewhere.<sup>17</sup>

According to a village headman in Yarang, many Muslims, on the other hand, continue to live in the villages of the deep South, but have switched from rural occupations to factory work in towns. This includes locations across the Malaysian border (as some Thai Malays hold dual citizenship<sup>18</sup>). Indeed from both religious communities many rural people generally and officials and civil servants especially have chosen relatively more secure urban locations. Since 2004 at least 200,000 people have reportedly moved from Narathiwat, Pattani, and Yala provinces, and from the rural areas of neighbouring Songkhla province, to Hat Yai, the capital of Songkhla. According to the Municipal Mayor, this influx has doubled the size of the city.<sup>19</sup>

A member of Pattani's Provincial Protection Office told Amnesty International that, in contrast to five years ago, it is now simply taken for granted that the violence and fear is the main cause of the economic changes in the deep South. The extensive rubber industry notwithstanding, the domestic economy in Thailand's three southern-most provinces has generally deteriorated because of the insurgency. The head of the Pattani Healing Centre told Amnesty International that tourism in his province has dropped greatly in recent years,

while even those with jobs tend to work (and hence earn, save, and spend) less than before, due to the danger of being on the roads in the dark. An ethnic Malay journalist added that development and infrastructure projects introduced and implemented by the Thai army in the deep South and the extensive militarization itself of the region have distorted the economy and made any gains short-term and unsustainable. The daughter of a retired practitioner of traditional medicine in Pattani killed by insurgents in February 2011, simply said “many of the grocery shops are closed now”.

A government official told Amnesty International that families are leaving the region because “parents do not want their children missing so much school”. Two local leaders recounted stories of teachers: one from Pattani city was recruited to teach in Yarang district in 2010, but was too scared to live and work there. A replacement for another, recruited from Songkhla in 2005 and later killed by insurgents in Pattani on her way to school, could not be found. Indeed, from January 2004 through mid-August 2011, what were likely insurgents in nearly all cases killed 144 government teachers and other educational personnel in the relevant parts of the four southern-most provinces and injured 136 others.<sup>20</sup> According to the Chair of the Teachers Association of Thailand’s regional branch, roughly 70 per cent of the victims were Buddhist. Insurgents have also staged arson attacks on over 300 government schools,<sup>21</sup> and undertaken recruitment efforts in schools to fill and build support for their ranks. This situation has led to teachers demanding better security, requesting early transfers out of the deep South or refusing to renew their contracts, and to frequent and/or lengthy school closures. Security forces have conducted raids on Islamic private schools and occupied some of those run by the government.

Amnesty International condemns the targeting by insurgents of civilians or others taking no active part in hostilities as it constitutes a violation of international humanitarian and human rights law. Targeting such persons for attack is prohibited at all times. The right to life in international human rights law must also be respected and protected.

**Amnesty International thus calls upon the various insurgent groups operating in southern Thailand to:**

- Immediately cease their attacks targeting persons taking no active part in hostilities; and
- Publicly commit to preventing such attacks.

## METHODOLOGY AND RESEARCH

This report covers a period from November 2006 to June 2011. Between October 2010 and July 2011, Amnesty International conducted 154 interviews with witnesses and surviving victims, relatives and friends of victims, village headmen and other informed civil servants, and members of the security forces. These interviews provided information about the victims of 66 attacks by insurgents against southern Thais taking no active part in hostilities, in three southern Thai districts:<sup>22</sup> Rangae district in Narathiwat province (13 attacks); Yarang district in Pattani province (20 attacks); and Yaha district in Yala province (23 attacks). These districts were chosen for their accessibility and diversity, and for the relative intensity in the conflict.

Rangae and Yarang were known to be strongholds three decades ago of one of the main insurgency groups, the Patani United Liberated Organization (PULO), and many PULO members or supporters are believed to still live there. Rangae is currently known to be a significant base of membership and support of BRN-Coordinate, and was one of several districts in which both groups implemented a one-month suspension of hostilities in June-July 2010. Yarang is also believed to be a focus of BRN-Coordinate’s youth wing (*Pemuda*).

However, Yaha district, despite the considerable violence documented in this report, has been promoted by the Thai authorities and generally accepted as a relative “success story” because of the security forces’ reduction of violence through community outreach and economic development projects. A “Walking Doctor” programme begun there in mid-2007, whereby a doctor or medic accompanied all army patrols in the district to treat sick and injured villagers, is said to have been a victory in the battle for “hearts and minds” as well as in intelligence-gathering. Other army initiatives yielding positive results were a community development scheme whereby each village was given district funds and army technical assistance to help set up and run a small business; increased meetings and consultations with village and religious leaders; and more concerted efforts at convincing families to prevent or end support for the insurgents. Military developments include more patrols, larger bases, and increased training and arming of village defence militias.<sup>23</sup> In 2008 insurgent attacks in Yaha reportedly decreased by 50 per cent—including those against civilians between 2007 and 2008. Over 250 insurgents and/or supporters renounced their allegiance to the insurgency.<sup>24</sup> In July 2011, Yala’s Governor told Amnesty International that all of these initiatives continue in Yaha to positive effect.

An advance draft of this report was shared with Thailand’s Ministry of Foreign Affairs, whose response is included as Appendix II to this report.

### 1.2 THE IMPACT OF COUNTER-INSURGENCY POLICIES ON CIVILIANS

The Thai government has been unable to assert and exercise lawful control over the relevant parts of the country’s four southern-most provinces. Further, human rights violations by Thai security forces have contributed to the deterioration of safety, security, and protection in the deep South for those taking no active part in hostilities.

Successive Thai governments over the past seven and a half years have introduced positive policy changes or initiatives in the deep South, but none has been able to curb the insurgency significantly. One analyst asserts that in terms of “route and infrastructure security, access to the populations, freedom of movement by government officials, collection

of taxation, survivability of local officials, and the delivery of basic governance services—by mid-2008 the government had completely lost control of large areas of the South”.<sup>25</sup> The situation has not changed significantly since then. Central authorities have deployed or dedicated to the deep South a substantial portion of the Royal Thai Army’s forces, materiel, and budget, as well as fortified units of the Royal Thai Police, and over 10,000 members of a paramilitary force and several militia groups. They have spent billions of baht<sup>26</sup> on development, infrastructure, and investment projects. And they have put into effect three pieces of extraordinary legislation in the form of Martial Law, the Executive Decree on Public Administration in Emergency Situations (the Emergency Decree), and the Internal Security Act.<sup>27</sup>

The government has also facilitated a major proliferation of small arms for a wide range of individuals and groups, especially civilians. A person may use a weapon outside of official duties only if he has purchased it him/herself. Since shortly after the insurgency reignited, which expanded and accelerated under the late 2006-2007 military government, programmes were designed to relax weapons regulations and/or subsidize their purchase by state-affiliated individuals and groups in the deep South. All who are paid a wage or salary from a state-run or state-supported entity, even on an informal or unofficial basis, may request permission from their District Officer to purchase guns. Those not formally or officially connected to the state, especially Muslims, according to one such gun-owner interviewed by Amnesty International, face greater scrutiny at the standard interview, and are hence granted permission less often than teachers, public health officers, police, etc, who are almost never refused approval to purchase a weapon.

Permission, in this case from the Provincial Governor, is also needed to carry a weapon in public (outside of any official duties that may require doing so). This is reportedly much more difficult to obtain than approval to buy a gun, though corruption is said to be rampant throughout the programmes, to say nothing of the prevalence in the deep South (as elsewhere in Thailand) of agents/middle-men able to conduct gun sales illegally. Although there are few (only one in Pattani) official outlets for the sale of ammunition, it is known to be widely available from village headmen and is not governed by any age or other regulations.<sup>28</sup>

Thailand currently has approximately 21,000 members of its armed forces deployed in the four southern provinces.<sup>29</sup> There has been an increased use of paramilitaries and village defence militias, the latter ostensibly made up of civilian volunteers, especially since late 2006-2007. The paramilitary *Thahan Pran* (rangers) and three village defence militias: the *Or Sor*; *Chor Ror Bor*; and *Or Ror Bor*, complement the work of the professional security forces in Thailand’s deep South. The post-*coup* military government in 2007 greatly increased the numbers and involvement of the *Thahan Pran* in the counter-insurgency, who are recruited, trained, armed, based with, and commanded by the security forces.

Between 2005 and 2008, the *Chor Ror Bor*’s numbers in the deep South, and incorporation into certain military activities, were also greatly expanded, while the *Or Ror Bor* have sometimes undertaken military operations along with and led by the security forces.

Legally, Martial Law confers enormous power on Thai security forces, including to search and seize property and vehicles anywhere and at any time; to stop and search persons at will; to reside in, destroy or relocate a dwelling; and to prohibit public gatherings, publications,

advertisements, and the use of roads, public transport, and communications. Martial Law also empowers security forces to detain suspects in unofficial locations without a warrant, judicial review, or access to a lawyer (or others) for seven days before bringing charges against them. The Emergency Decree requires that a court issue a warrant and that a judge approve requests to extend an initial three-day period of pre-charge detention, but detainees need not be presented before a judge and such detention can last up to 30 days. The security forces' practice of detaining people without charge under Martial Law for seven days, and then seeking a warrant/review for an additional 30 days' detention under the Emergency Decree, has led to many people being arbitrarily detained initially, and then being kept in detention for a total of 37 days.

Finally, human rights violations by the security forces at Krue Se Mosque in Pattani and in Sabayoi district of Songkhla in April 2004, and in Tak Bai district in Narathiwat in October of that year,<sup>30</sup> and the impunity for members of the security forces, have adversely affected the civilian population. In early 2009, for example, Amnesty International published a report on the systematic use of torture and other cruel, inhuman, and degrading treatment or punishment by Thai security forces against insurgency suspects.<sup>31</sup> Torture often takes place during the first three days of detention, when lawyers and doctors (and to a lesser extent, family members) are not permitted visits. While authorities have in most cases identified killings in the deep South (including those researched by Amnesty International) as either pertaining or not pertaining to the armed conflict, they have mostly limited their investigations of them and other abuses to those committed by insurgents.

Likewise, prosecutions of alleged perpetrators have been limited entirely to insurgents. Since early 2004 through mid-February 2011 (the latest date which statistics were available), Thai authorities have prosecuted 466 suspected insurgents, convicting just under half (222), some based on information gathered through torture.<sup>32</sup> On the other hand, human rights violations by security forces have been either poorly investigated or not investigated at all. Amnesty International's 2009 report noted that not a single official had been held accountable for torturing suspects, and more than two and a half years on this remains the case—not only with regard to torture, but in fact to *any* human rights violation in the counter-insurgency. This is largely because Section 17 of the Emergency Decree confers immunity from prosecution for officials who violate human rights in the course of carrying out their official duties. This has contributed to a culture of official impunity that continues to characterize the deep South.

Since the enactment of the Emergency Decree in mid 2005, authorities have also created 'blacklists' of suspects, usually based on weak intelligence or on the mere fact that they studied in a Muslim country abroad, and have asked the suspects to "voluntarily" surrender on that basis. Coinciding with the drawing up of the first lists was a wave of unlawful killings, which most locals assumed was the work of security forces, of persons listed. At the same time 131 Muslim villagers, many of whom had also been blacklisted, fled to Malaysia. While the post-*coup* military government in late 2006 pledged to end the practice, local leaders told Amnesty International that it has at least informally continued, even if the killings and migration in recent years have been mainly attributable to the insurgents. "If something happens near a listed person or his home, he gets detained; so many innocent people get arrested this way", said one local leader.

Thailand is a state party to not only the four Geneva Conventions, but also to the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social, and Cultural Rights (ICESCR); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention on the Rights of the Child (CRC); the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT); and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). All contain provisions obligating Thailand to protect the rights of individuals in any and all contexts, not only in a non-international armed conflict. For instance, CERD clearly articulates a duty to uphold the “right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution”.<sup>33</sup>

**Amnesty International recommends that the Thai government:**

- Initiate prompt, effective and impartial investigations into all unlawful killings, particularly those allegedly by security forces, and try alleged perpetrators in proceedings which meet international standards of fairness and without the imposition of the death penalty;
- End the facilitation and subsidization of small arms purchases, and tighten regulations pertaining to the ownership of guns;
- Either extensively revise Martial Law or repeal it;
- Enforce any emergency measures, if at all, only in strict compliance with international human rights law and standards. In particular, amend provisions of the Emergency Decree which do not conform to such law and standards, including amending Section 17 which provides immunity to officials from prosecution under most circumstances; and
- End the practice of informally “blacklisting” suspects.

Finally, Amnesty International recommends that the Thai government consider additional measures in the deep South that go beyond the narrow counter-insurgency scope of security forces and extraordinary legislation. While recognizing the development efforts in the deep South made by several Thai governments since early 2004, Amnesty International believes that additional initiatives toward protecting and promoting economic, social, and cultural rights there—with an emphasis on matters of governance and representation—would address many of the grievances expressed by ethnic Malay Muslims. Initiatives in Yaha district of Yala province, including increased meetings and consultations with village and religious leaders and more concerted efforts at convincing families to prevent or end support for the insurgents, may serve as examples to duplicate.

This report concludes with more detailed recommendations.

## 2. UNLAWFUL KILLINGS IN THAILAND’S INTERNAL ARMED CONFLICT

This section examines representative attacks that took place from November 2006 to June 2011, and resulted in the deaths of 82 persons taking no active part in hostilities. Amnesty International concentrated on one district in each of Thailand’s three southern-most provinces.

In all but two cases, the Thai government provided or offered to provide the victims’ families monetary and sometimes other compensation for their deaths. This is standard practice by the authorities if they determine that the insurgents were the likely perpetrators. Not all of the violence on Thailand’s southern-most border is insurgency-related, but rather (similar to other border areas in Thailand) is in relation to personal, business, or other political conflicts; the smuggling or sale of illegal drugs, weapons, people, and other contraband; other organized crime; or some combination thereof. Moreover, not all insurgency-related violence is exclusively political in nature, as a “revolving door” is known to exist among some insurgents and criminal groups in the deep South. As appointed Pattani Senator Anusart Suwanmongol explained to Amnesty International, “opportunistic killings” are not uncommon—with shadowy insurgents often providing the convenient and plausible cover (“blaming ghosts”).

The government’s categorization of a killing as insurgency-related, though not subject to formal appeal, is sometimes disputed by victims’ families, including when attacks are attributed to insurgents. While compensation is paid in those cases, families sometimes allege that such is only to “cover over” extrajudicial executions by security forces—essentially “blood money”. The authorities’ determination in most of this report’s cases that the perpetrators belonged to insurgent groups (and their decision to provide compensation) was not disputed by the interviewees or by Amnesty International—although without knowledge of the authorities’ information and deliberation, such acceptance should not be seen as endorsement. In two cases that the authorities did not attribute to the insurgency (or pay compensation), however, Amnesty International also believes, based on the available testimonies and other information, that the likely perpetrators were insurgents.

An Assistant District Officer assigned as Head of the Pattani Healing Centre at the District Office explained to Amnesty International that district office administrators, the police, and the local deployment of soldiers meet in the wake of a killing to determine whether it is attributable to the insurgents. If all three parties agree that it is, then full compensation is paid to member(s) of the family, based on a chart of entitlements in money and in some cases educational and/or occupational assistance, in turn according to the victim’s level of affiliation with the Thai state. If only one party or none believes that it was insurgents who killed the victim, then no compensation is paid. If two parties agree that it was insurgents and one disagrees, then 25 per cent of the relevant compensation package is paid and an

additional six months of investigation and deliberation at the district level takes place. At that point, if the decision is that the killers were insurgents, then full compensation is paid. If the decision is that insurgents were not the killers, then the process stops but the family is permitted to keep the 25 per cent already paid—sometimes victims’ families allegedly lie about the incident and at other times new information or arguments persuade parties to change their minds. If a 2:1 impasse remains, then the matter is sent up to the provincial level, where representatives of the same three parties decide the matter.

The final decision is handed down in the form of a letter, and while no reasons are given, the family may request an appointment to be informed of the reasons confidentially. No formal appeal is permitted, but if new facts or evidence comes to light in any way, the case can be reconsidered.

The process and chart of entitlements are explained on a website and in a pamphlet that is distributed via local leaders to villagers. The website is in the Thai language only, while the pamphlets are in both Thai and Malayu. Some villagers complained to Amnesty International that they were unaware of how the process works or that it generally takes longer for Muslims than for Buddhists, but the Assistant District Officer stated that cases vary in their facts and level of difficulty. He also noted that unless Thailand’s newly formed government changes this arrangement, on 1 October 2011 the compensation process is supposed to shift from the district/provincial administrations to the Southern Border Provinces Administrative Centre (SBPAC).

While the testimonies below were provided directly from interviewees—family and friends of the victims, as well as witnesses in some cases—much of the information contained therein came from their own sources: conversations with other witnesses to whom Amnesty International did not have access; colleagues or other associates of the victims who provided details or insight after the killings; and mainly, Thai authorities who investigated the cases and usually drafted reports of their findings and conclusions. In many cases, the interviewees contacted others for details or clarification while speaking to Amnesty International, and/or referred to copies of these reports by authorities (usually the police).

Aside from being civilians or other persons taking no active part in hostilities, the victims in the cases below come from a broad spectrum of southern occupations and identities—from Buddhist rubber tappers to Muslim students. Whether those occupations or identities were why the individuals were targeted by the insurgents or even indicate a *de facto* pattern to the killings is difficult to assess; they may simply have an incidental rather than causal relationship to the victims. The reasons for the insurgents’ choice of targets, beyond spreading terror among the civilian population, are not readily apparent—though where interviewees themselves offered explanations or motives for the killings, Amnesty International duly recorded them. This has resulted in certain overlap in the broad occupational categories given below, such as with the rubber tapper reportedly targeted for his religion and the student reportedly killed because he was in the presence of a government-friendly Islamic leader. However, there is a general correlation between the demographics of civilians killed over the past seven and a half years in the deep South and Amnesty International’s research, as apparent through credible secondary sources. What unites the victims is that whatever the reason, explanation, or motive, they should never have been the target of attack.

## 2.1 RUBBER TAPPERS AND FARMERS

The largest industry in Thailand's deep South is rubber. Many persons are rubber tappers full-time, while others, including some persons described in this report under different sections, participate in the industry on a part-time basis, as either plantation owners or *ad hoc* or seasonal workers. Not surprisingly then, many of the insurgents' victims have thus been self-described rubber tappers. Such persons are especially vulnerable to attack, as they typically work during the dark early hours of the morning when latex flows well, and in often isolated surroundings. The same is partly true of farmers as well, whose rural location exposes them to attack, though not all rubber tappers and farmers below were working when the insurgents struck.

A relative of a rubber tapper killed by insurgents in October 2007 in Yaha told Amnesty International that "before the insurgency began, rubber tappers would leave their homes at 2:00 or 3:00am to begin working, but now we must wait until 6:00am or so". The mother of a Buddhist teacher killed in June 2009 in Rangae said that "I am also scared, for I work as a rubber tapper from midnight to 9:00am each day—a dangerous time—and I never know when I leave whether I will come back."

In Rangae district of Narathiwat province on 8 June 2009, Chuai Nadee, 38, a Buddhist rubber tapper and a married father of two children, was killed while working. According to his wife (assisted by another friend):

*At about 2:00am, my husband left our house to tap rubber at a plantation about 3km away. He had nearly arrived when insurgents who were waiting in hiding there shot and killed him with an M-16; four or five casings were later found. My husband was armed but had no chance to defend himself. After the shooting, they dug a small hole near his body and placed a bomb in it, and then covered the hole with the seat of his bike, which they had removed. It was a well-planned operation, for all of this was done in less than 15 minutes, though the bomb failed to explode. Other workers heard gunshots, but as it was completely dark, they saw nothing.*

He was likely attacked for being Buddhist, for the plantation is located in a predominantly Muslim area and he was the only Buddhist. The plantation's owner, also Buddhist, was attacked previously but survived. In fact, about a month before my husband was shot, the owner had warned him not to come alone to the plantation, but as he had worked there for more than a year without incident, he felt safe enough to do so.

Similarly in Yarang district of Pattani province on 3 February 2011, Abdullah Kaboh, 49, a married Muslim rubber tapper with six children, was killed. A family member told Amnesty International:

*Abdullah left our home at about 7:00pm to tap rubber only about 100m away. He was unarmed. At about 2:00am, a neighbour who had just found his lifeless body near his motorcycle on the ground by a rubber tree, came to our house to tell us this news. We don't*

*know exactly when in the night he was killed, but we know that two insurgents—almost certainly arriving on foot, as no one heard a motorcycle—killed him by striking him with a stick of some kind and slashing his throat. I ran to the scene when I learned he had been killed, and Thahan Pran came a bit later.*

*The authorities initially seemed to be confused by the fact that a knife, and not a gun—which is what the insurgents usually use—was the weapon, but they concluded that it was insurgents. Moreover, there were three other insurgency-related killings in this village previously—a Red Zone and completely Muslim.<sup>34</sup>*

In three other cases, all in Yaha district, insurgents attacked rubber tappers on or near plantations, not while they worked but while they were taking shelter from the rain, praying or cooking inside. On 22 May 2007, an attack claimed the lives of four Muslim rubber tappers, including a 14 year-old boy: Ma-useng Jehloh, 56, married with children; Nurhayati Jehloh, 22, his daughter; and Kuseng Tuankoseng and Tuwae-asueming Tuankoseng, 14 and 18, respectively, their relatives. One villager who knew the victims and was with them that day, explained that they were "on an isolated rubber plantation" and did not hear the insurgents approaching as it was raining heavily. Another villager added that a group of roughly 20 men wearing black and armed with AK-47s approached and fired at all eight huts in the area—Ma-useng's family only occupied two. Most were empty. Another of his daughters was not killed because she ran away, and though the men chased her into the rubber trees, they could not catch her as it was getting dark.

Late the following year, Marophee Madlee, 42, a Muslim rubber tapper married with five children, was similarly attacked in his house on a plantation. A village headman, among others, explained:

*On 4 November 2008 at about 7:00pm, the victim was at the house of his second wife near a plantation. He was unarmed. Two or three insurgents dressed in fake uniforms, closely resembling those of soldiers in that area, walked under the house and shot the victim through the floor boards with 11mm pistols. They came on foot and so may have been fellow villagers, as it was a Red Zone at the time and completely Muslim. He died on the spot.*

*The victim had been warned previously by insurgents not to co-operate with the authorities, for though just a rubber tapper, because he travelled frequently between the villages of his two wives, they suspected him of being an informer. Also, one of the victim's sons was with the Thahan Pran, which would have only heightened their suspicion.*

About a month and a half after the shooting, security forces found and attacked an insurgent camp in the jungle, and killed two of the insurgents who had shot the victim. I was Thahan Pran at that time and joined that operation. We found fake uniforms of Thahan Pran, soldiers, and even Chor Ror Bor, as well as many weapons. The insurgents invoke Islam and cite the Qur'an as justification for the taxes and protection money they take from villagers, but they act like gangsters, and in fact we found nothing Islamic in the camp we raided!



*Chor Ror Bor* gun found at an insurgent camp, where two insurgents involved in the attack on Marophee Madlee were shot dead.

A similar attack six months later claimed four Muslims on a rubber plantation, including another child. Fatihah Mahamah, a 16 year-old student; Ismael Lateh, a 61 year-old rubber tapper, married with two children; Sainung Lateh, a 32 year-old rubber tapper, also married; and Mayusoh Lateh, a 37 year-old rubber tapper, married with three children, were all killed. Ismael's wife, among others, spoke with Amnesty International:

*On 27 April 2009 at around 7:00pm, our families were in two houses in close proximity to one another on a rubber plantation. As Mayusoh, my 37 year-old son, had already finished praying, he was in one house preparing food for our evening meal. From the other house we never heard the insurgents coming, and don't know if Mayusoh did either; neighbours in two other houses nearby later said they had heard a car pull up. We only heard the noise when they shot him through the floor boards from under the house, killing him.*

*My husband, Ismael, then immediately locked the door of the house we were in, but another insurgent—there were at least two, maybe more—demanded to know from outside if there was anyone in the house. When Ismael replied that he and others were inside, the insurgent shot the lock off the door and burst in. He then shot my husband as soon as he entered, killing him. The rest of us—myself and five children—all ran to the back of the house into a small room, but the insurgent followed us. I was so scared. I closed my eyes most of the time and so don't remember everything, but I tried to protect the children as much as I could. The insurgent, using a long gun, shot and killed Fatihah, a girl of 16 who was with us that night, as well as my daughter of 32, Sainung. They also shot me twice, in the arm and back, but I survived after 25 days in the hospital. The other three children, Fatihah's brother, aged 10, and my nephews, 10 and 12, were not shot.*

*I don't know why they attacked us, as we are Muslim and only rubber-tappers, with no connection at all with the authorities, and the other two houses nearby were left alone. We were all unarmed. About an hour after the attack, however, two villagers, possibly witnesses to what happened to us, were shot in front of the mosque very close to our village.*

Two more Muslim children, 15 year-old Zakariya Wansen, who regularly tapped rubber, and Maruding Waeteh, 16, who had just completed his first day on the job, were killed by the insurgents in 7 October 2007 and 23 September 2009, respectively, in Yaha. Zakariya's father said that his son left their house after dark to eat with friends about 4km away. About 45 minutes later, his two friends came back by a different route than they had taken earlier, and asked if his son had also returned. When the father said "no", they told him they had seen his motorcycle on the roadside about 600m down the road from his house. He went to check his son's bike, which was lying on its side, and had a brief look around for his son. He didn't see or find him, yet was not too concerned, as his son was back in Thailand for Ramadan after two months in Malaysia working, and so was quite social. Ramadan had just ended three days before, and he was planning to return to Malaysia the following week.

Zakariya's father gave further details:

*When he did not show up the next morning, we met with the village headman and decided to report the matter to the police. Before we could do so, however, an Or Sor came to our house and said the body of a boy had been found about 8km away from our house, but in the opposite direction of where my son's motorcycle was the night before. We went there immediately, and indeed it was him, he had been stabbed to death. His head was not severed completely, but there was a deep gash in his neck, and his hands and arms were cut, likely where he held them up to defend himself. The authorities deemed it an insurgency killing because there had been other similar stabbing deaths around that time in the area in which he was found in Yaha, on the border between Patae and Balah subdistricts and a Red Zone. There must have been at least two and maybe more, for he had been effectively kidnapped from where his bike was. I have no idea why they killed him, as he was just a boy and a good kid. They took nothing but his life.*

Mahamah Asae, who was riding on the back of the motorcycle Maruding was driving, told Amnesty International that they were on their way home at around 1:00am, after working and then relaxing on the plantation.

*He drove and I was on the back, holding a flashlight above us since the headlight was not working. I'm not sure how many shooters there were, but I suddenly saw a man with a shotgun in front of us, who shot Maruding as he drove, and shot me in the hand holding the flashlight. The bike tipped over then, while the shooter ran off into the trees; he was not on a motorcycle. Maruding was still alive, so I called my father, who came to find us, and police and soldiers arrived about 30 minutes later. Maruding died before they arrived.*

In late 2006, three Buddhist rubber tappers in Yaha were also killed while away from their plantations: Narong Dawkrajai, 38 and married with two children; Kom Tansakun, 29 and also married with two children; and Ekkaphat Wattananawin, 23 and single, were killed by insurgents while hunting for game. Moreover, as noted again below, one of the two insurgents killed by the security forces after attacking Marophee Madlee above, was also part of this attack. According to two villagers who knew the victims:

*On 25 November 2006 around 6:00pm, Narong was hunting for animals in the forest with two relatives and another friend. He had left his house just after lunch on his motorcycle, which he parked on a path leading from the main road into the forest. As it was getting dark, he and the three others were back on their bikes and riding slowly along the path leading to the main road, when the insurgents attacked them. There were three groups of them, with five or six in each group, waiting for the men to ride by. When they opened fire with HK-33s or M-16s, Narong and his two relatives were hit and fell off their motorcycles. One of them—I don't know who—fired back with his hunting rifle, but I'm not sure if any insurgents were wounded. Narong's friend was not hit but also fell off and pretended to be dead. However, the insurgents then began stabbing the victims—I don't know whether Narong and his relatives died from the bullets or the stab wounds. When his friend realized that, he got up and ran off. The insurgents gave chase but he escaped.*

*Villagers heard the shots and so called the authorities, who arrived quickly enough to prevent the insurgents from burning the bodies, despite the fact that other insurgents had placed spikes on the road to slow them down. It was a well-planned operation, and they stole the hunting rifles. Narong actually knew some of the insurgents who killed him, since he hunted in that forest often. That fact probably gave him a false sense of security. The authorities later told us that one of two insurgents killed in an attack on them in the jungle by security forces was part of the group that killed Narong and his relatives.*

Likewise, two farmers in Yarang were killed by insurgents in December 2009 and September 2010, respectively, while away from their farms. The son of Ghazali Masae, 62, a Muslim, told Amnesty International that on 7 December 2009 three insurgents attacked his father in a tea shop, pursuing him after shooting and wounding him once. They then killed him with a bullet to the back of the head.

On 30 September 2010, insurgents killed Banjob Juwaen, 48, a Buddhist, married with two children. His wife described the circumstances of his killing:

*At about 5:00am, three of us left our house to go to the morning market in Pattani. My husband's sister was riding in a box connected to the side of our motorbike and all of us were unarmed. About 3km away, two insurgents who had been waiting in hiding behind the pillars of a house on the right side of the road, shot at us with pistols and/or shotguns. My husband was struck twice, but managed to drive the bike another 50m. The insurgents quickly followed us and even passed us, before turning around and stopping ahead of us. When my husband saw this, he suddenly tried to turn around but lost control of the bike. He broke his*

*neck while falling off and so died on the spot of his many injuries. His sister and I were basically alright and since there were no houses bordering the road at this point we managed to run into the jungle and back toward where we had come from. The insurgents drove back to the spot where we had fallen over, but did not chase the two of us into the jungle. Street lights had allowed them to see us on the road, but it was otherwise too dark to see us in the jungle.*

It’s hard to say why we were attacked, for this area is majority Muslim but still mixed, and inter-religious relations are pretty good. However, we know of at least six other killings in this area since the problems started in 2004. In any case, as we took that route three times each week to the market, the insurgents could have known our routine, and they were waiting for us.

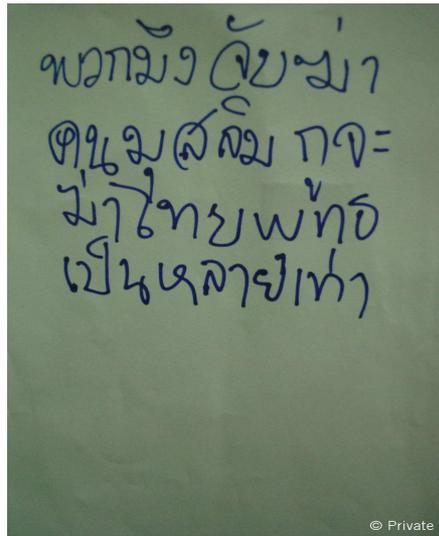
## 2.2 LABOURERS AND SMALL BUSINESS OPERATORS

Labourers and small business operators resemble rubber tappers and farmers as targets of the insurgents in their being essentially “ordinary” people. They differ in that they are often, if not always, situated in villages or town centres which are more populated than areas of rubber plantations and farms. In many cases below—of construction workers, well-diggers, shop-keepers—killings took place in broad daylight and/or in front of many witnesses. As persons taking no active part in hostilities, they are unlawful targets of the insurgents.

Five Buddhist construction workers in Yarang district of Pattani were attacked and killed in April 2008. Thawee Rajpaen was 54 and married with three children, and Prajin Sangthong, 52, was also married. Less is known about the other three victims, Chaluai Sangthong and “Thip”, both women, and “Ya”, a man. Thawee’s wife spoke with Amnesty International:

*On 24 April 2008 at about 8:50am, a neighbour came by to ask whether I had heard that five workers from our village in Yala had been attacked and killed in Yarang. I had not, so I tried to call my husband, but he did not answer. A few minutes later our daughter tried again and someone answered—a staff member of Yarang hospital. She confirmed that five persons had been killed and one injured, and when I inquired directly about my husband, she said he was dead. He had died right after being shot. I was shocked.*

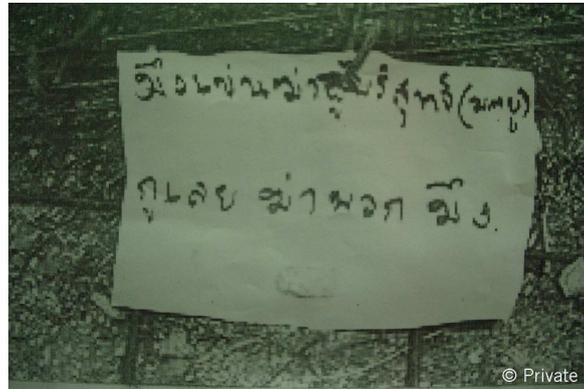
I learned later that their truck had reached the job site—they were building a fence at Prasan Wittayu School in Yarang—and all six victims had gotten down to open the gate when the insurgents attacked from a motorcycle they were waiting there on. It was between terms at the school, and it was unusual for the gate to be closed. The access road to the school was narrow for a car but not a problem for a bike. In fact, for four or five days prior to the attack, someone on a motorcycle passed by the site often, seemingly scoping it out, and that morning the same bike went past the truck on the road. And the night before, someone called my husband and warned him not to come to the school the next day. But my husband trusted the contractor and decided to go because it was payday, although he did carry a gun, which the attackers stole along with his money.



There were probably at least two insurgents, and likely more in view of how many times my husband was shot and how many different casings were found at the scene. And the bullets they used were the exploding kind—his left wrist was completely blown out. There were witnesses but everyone was afraid to talk. The insurgents left leaflets at the scene too, and I heard that they said something about revenge. They scattered spikes on the access road as well, to slow the authorities' arrival, ease their escape, and ensure any injured would die before help reached them. It was a well-planned attack.

Leaflet left by insurgents who killed Thawee Rajpaen and his colleagues, Prajin Sangthong, Chaluai Sangthong, "Thip" and "Ya". The leaflet says "You've arrested and killed Muslims, I will kill Thai Buddhists much more".

Leaflet left by insurgents who killed Thawee Rajpaen and his colleagues, Prajin Sangthong, Chaluai Sangthong, "Thip" and "Ya". The leaflet says "You killed the innocent (Malay) people, therefore, I kill you".



On 21 October 2009, Nit Thinjanah, a 53 year-old Buddhist construction worker, was killed while travelling in the opposite direction from the case above—from Yarang to Yala. A survivor described the attack:

*We were lucky that the driver was on the opposite side of the shooters, who were hiding on the left side of the main road. And after they fired, they escaped via a small side road and did not pursue us, so our driver could get away. There were no others killed, though I and one other person were injured. We were all unarmed. I don't know why they attacked us, but this area is completely Buddhist and there have been many attacks against others from this village—though Muslims have been attacked too. The truck had the construction company's logo on the side of it, so the insurgents would have known that we were going to work and I doubt the owner had any problems with the insurgents. We live in fear but we have to keep working.*

Suthee Chuayrat, 30, and Surapong Chanyoon, 29, were Buddhist day labourers, also in Yarang. Their employer, who had hired them to dig a well on her property, told Amnesty International how they were attacked on 26 September 2009. After hearing gunshots she initially mistook as noise caused by children playing, she stepped outside her house just in time to see the two men collapse to the ground. She said, "I saw two motorcycles and

several insurgents, perhaps four or five, wearing traditional Malay dress. They saw me looking at them, and I momentarily became very afraid, but they just drove off quickly on their motorbikes. I don't know why these men were targeted and killed".

Almost exactly a year later, and in the middle of the afternoon in a Yarang village, two young Buddhist men were killed while delivering groceries. Thanaphon Chatramanee was 18 and single, while Amorn Naknuan was 32 and married. One of their parents spoke to Amnesty International:

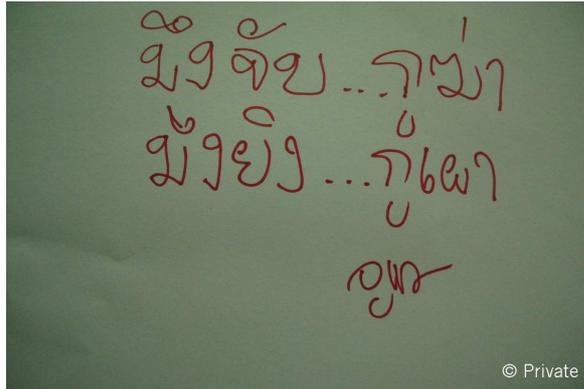
*On 23 September 2010 at about 2:40pm, I asked our son to deliver some noodles I had made to a grocery store in Baan Pongsta Mu 5 village, something he did every day. So he and a colleague, both unarmed, drove a six-wheel truck to the store, and while in the process of unloading the noodles, were shot from behind by insurgents—probably two, as our son and his colleague both fell to the ground at the same time. They were shot at close range in the back of the head. After shooting them, the insurgents just left, though whether on foot or on a motorcycle I'm also not sure. His boss later told us that they died right there in front of the store.*

*I was also told later that there were several killings on that day and in that area, which unlike where we live in Baan Pongsta Mu 4 village, is mostly Muslim. But whether the cases were connected I don't know, and I certainly don't know why they killed our son. I doubt it was because of his religion, for Muslims were killed that day too in other attacks. I wanted him to deliver only in Yala city, not far from Yarang, but he wanted to continue going there.*

Insurgents staged a similar attack in Yarang in June 2011, only the victim, a 56 year-old Buddhist private bus driver, Herm Chumanee, was delivering not groceries but school children. His sister-in-law, a witness, explained:

*On 29 June in the early evening, Herm stopped his bus along what we villagers refer to as "deadly road", the 410, running through Yarang, part-way through his route of taking school children home. As one prepared to get off the bus, I suddenly saw five insurgents in three groups surround the front, two in front, two to the right side, and one on the left. After hearing one of them say, "keep quiet", they all began firing their guns, 11mm pistols and AK-47s, at the driver, my brother-in-law. One of them then entered the bus and shot him again—I'm not sure how many times—and then shot his sister, who was sitting with me and the children, when she ran to the front to the aid of her brother. She remains in the hospital. All of the children just crouched down in their seats and on the floor.*

*The insurgent then took the driver's gun and dropped a leaflet by his body, which said "you arrest, I shoot". After that, all five of them left on motorcycles, spreading spikes along the road to slow the authorities as they drove off. My brother-in-law had been driving like that for more than 10 years, and the students were from both religious communities—that day 15 Muslims and seven Buddhists remained to be dropped off. It happened about 5km away from our village too, which is about a third Buddhist, so I don't know why they killed him.*



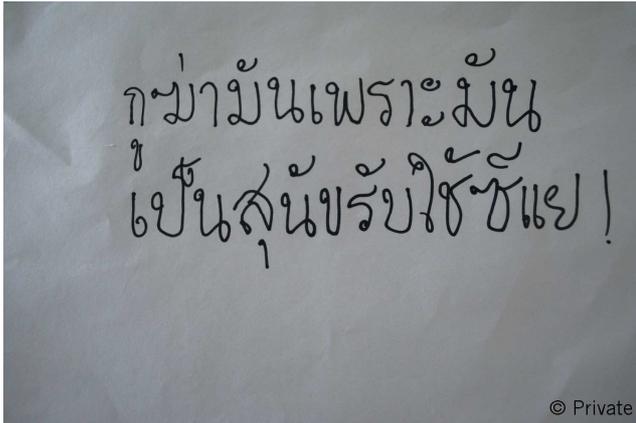
Leaflet left by insurgents following the shooting of Herm Chumanee. It states: "If you arrest, I will kill. If you shoot, I will burn."

Two small business operators were killed in July 2007, one in Rangae in Narathiwat and the other in Yaha in Yala. The first case was of Tuan Yakariya Puteh, a 38 year-old Muslim shopkeeper, married with two children. His close relative told Amnesty International:

*On 13 July 2007 in the evening, my relative left our house to walk to another house about 400m away to attend a funeral. Later that night, a man visited the house that was hosting the funeral to say that he had seen about five men forcibly taking another man into the Damabuah cemetery, about half-way between that house and ours. The people at the funeral then ran to the cemetery and heard a single pistol shot on the way—the one that killed my relative.*

*We later learned that the visitor was not only someone we knew, but in fact was one of the five insurgents who abducted my relative near the cemetery. After the killing, he left the village for awhile, but is back now sometimes, though he changes locations often. The other four insurgents have not been identified, so they may or may not be in the area—about 80 per cent of the village supports the insurgency. The authorities never questioned the man who visited the funeral.*

*My relative and I had been warned and attacked by the insurgents before. I was shot on the same date three years earlier, undoubtedly because I assisted the government in organizing local meetings and received officials in the village. They thought I was an informant. When I survived the attack, they began warning and harassing us constantly—probably four times a month between the two attacks—with leaflets in our house or shop saying "You are a police dog", "Government spy", etc. Sometime in 2004, they also left a small bag containing a bit of rice, an egg, and a small amount of money, which people do customarily at funerals. About a year after I was shot, they poured acid on our car and placed matches and mosquito repellent under it.*

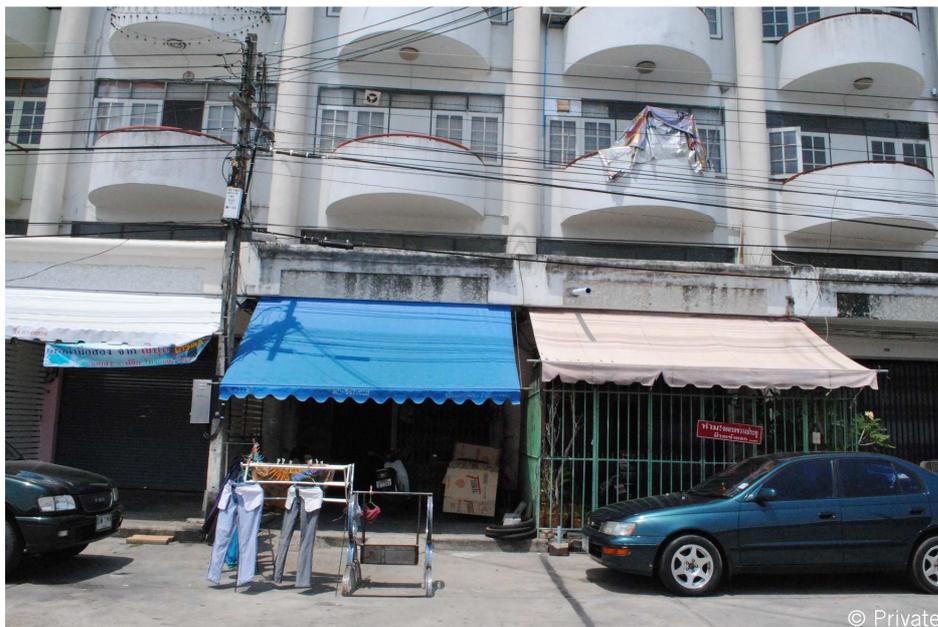


One of the leaflets given to the family of Tuan Yakariya Puteh, which states: “I killed them because they are Siamese running dogs.”

*They probably went after my relative assuming that he would try to identify who had attacked me. Moreover, about a year before he was shot, three insurgents came to our house to speak with us. One of those three insurgents was then killed by someone about three weeks before my relative, and in fact it was his funeral that my relative was attending that evening. The others probably assumed that we had informed the authorities about them, leading to the one being killed. The authorities knew that all three were insurgents but had no hard proof, and so probably killed the one quietly—though my relative paid the price for that. About 40 days after my relative was killed, I decided to move to live at a local school, where I am protected. There is tension in the villages between those who want to support the government projects and those who do not. But most villagers are too afraid of the insurgents to actually support the projects, which in turn gives the insurgents greater confidence and a false sense of support for their own cause. The soldiers will eventually leave but we have to stay.*

In the second case, that of Sa-aree Sani, a 46 year-old Muslim operator of a used car lot and married father of five, insurgents struck on the evening of 26 July 2007 as he was riding his motorcycle home. His wife explained that two insurgents—whom authorities later said were from their same village—were waiting for him on the side of the road and shot him as he rode by.

Amnesty International recorded two more cases of small business operators, both in 2010. On 6 January in Yarang, Jaturong Pradit-rungwatna, a 57 year-old Buddhist owner and operator of a motorcycle supply shop, married with three children, was killed. His relative explained that he had gone to make a delivery in an area he drove to at almost the same time every morning.



Motorcycle equipment shop belonging to Jaturong Pradit-rungwatna.

*Two insurgents who had wheeled their "broken down" bike into the shop, approached him from behind and shot him in the head and back with a .357 caliber gun while he was closing the back gate on his truck. Then they just drove off on their motorcycle. He died then and there. He was unarmed, having replied once to a question about that by saying that he had worked in the area for 20 years and had never had any problems. The insurgents would have known his pick-up truck and routine, and many incidents have occurred on that road, as it is a majority Muslim area and there are many side roads that make escape easy. There were definitely witnesses, and the insurgents did not cover their faces, but none have provided any information. They might have killed him because the Prime Minister was to be in Pattani the following day, and the insurgents always try to "welcome" him in this way. The Prime Minister comes here for a few hours with many guards, while we live here all the time and are totally exposed to this violence.*

Ramuelee Jeklo, 32, was a Muslim owner of a barbershop in Yaha, married with one child. His mother witnessed her son's attack on 6 October 2010 and recounted what she saw:

*At around 4:00pm, my son was putting a thatch roof atop a little hut outside his home. It was raining. I was inside the house, sleeping—I woke up when the shots rang out. The insurgents came in two cars, though I don't know how many there were. They wore Muslim skull-caps on their heads and used shotguns, shooting first from the cars and then getting out. My son was not armed and was hit many times and died on the spot. I don't know why they killed him, though this area is a Red Zone. We used to have Buddhists living here before 2004, but it is now completely Muslim. There are many insurgents here, but most commit their violence elsewhere. Things are hard now, as his wife was one-month pregnant when my son was killed.*

A villager who knew the victim added:

*The victim was arrested in mid-2007 on suspicion of being an insurgent and spent three years in prison. For lack of evidence, he was released on bail three months before he was killed. I believe he was an insurgent but was trying to withdraw. Upon his release, he voluntarily joined a programme set up by the Yala Governor, whereby real or suspected insurgents can leave the insurgency or prove their innocence by co-operating with the authorities. He was probably killed for participating in this programme.*

Finally, in early 2011, Subpachai Michai, a 24 year-old Buddhist and owner of a small grocery store, was killed by insurgents in Yarang. Subpachai also volunteered at the independent and politically neutral *Lim Ko Niew* Foundation that assists victims of the insurgency, and was involved in a gay relationship with a Muslim man. However, his partner did not think that either fact was necessarily the reason for the attack. He explained that they were on a motorbike together in the early evening and were unarmed.

*Two insurgents on a motorcycle and wearing jeans, black t-shirts, dark sunglasses, and caps on their heads, shot Subpachai in the back of the neck with a shotgun. This caused me to lose control of the bike, which fell over. I tried to talk to Subpachai but could see he had been shot and was already dead. However, the insurgents immediately turned around and came back to where we were, before one got off the bike and shot my boyfriend seven more times at close range. I tried to run away, but the other insurgent held a gun up to my head and told me to stay. I was a witness to everything of course, but was in such shock that I would never recognize the killers if I were to see them again.*

*I don't know why they attacked us—and clearly targeted Subpachai, making sure he was killed while letting me live—perhaps because he was a Buddhist in a Muslim area and a Red Zone. We had been together for four years and both of our families seemed alright with our gay relationship, but I sometimes now feel that his parents suspect me of at least being careless with their son, since we were in a Muslim area when he was killed. I never thought this would happen to me.*

## 2.3 SCHOOL-AGED YOUTH AND EDUCATORS

The majority of school-aged young people and educators attacked by insurgents in southern Thailand have been Buddhists. Amnesty International's research shows, however, that many Muslims, particularly (though not exclusively) those studying or teaching at schools run or funded by the government, have also been targeted.

As only one of the victims below was actually going to, at, or leaving school when he or she was killed, it is debatable whether their affiliation with the education system was the reason they were attacked. This is especially so in the cases involving school-aged young people, about which several interviewees assigned other reasons. As with nearly all of the cases in this report, the insurgents' motives cannot be clearly discerned. Nonetheless, the cases illustrate the heavy price that young persons of school-going age, teachers, and other

education-affiliated people have paid in Thailand's deep South since early 2006, when the insurgents began attacking them in particular. In the words of a young woman who lost both of her parents—Buddhist primary school teachers—to an insurgency attack in Rangae, "my parents were the first teachers at their respective schools to be killed, I guess to cause fear and to demoralize the community".

Amnesty International recorded cases of six young people, five Muslims and one Buddhist, three of them children, killed in 2010. The first two cases, of Sathaporn Yamaphat, an 11 year-old Buddhist boy killed on 17 March in Yarang, and Fatiyah Tokder, 20, a single Muslim woman from Yaha and student at Mahaddarul Ma-aref Islamic School, killed on 13 June, are similar. As their uncle and father, respectively—both fellow victims—explained, the students were sitting between other family members in vehicles. In both cases, insurgents drove up behind them and fired, with an AK-47 and a shotgun, respectively, which initially struck the interviewees. Sathaporn was then struck in the head with a bullet, while Fatiyah was hit by a shot which initially struck her father in the upper neck/lower skull and then "went in through her forehead and exited through the top of her head". In both cases, after shooting, the insurgents turned around and drove back to the stopped vehicles of their victims, in the first case driving by slowly "to make sure we were all dead", and in the second, "likely intending to fire more shots" but driving off once villagers appeared on the side of the road.

Sathaporn's uncle believes that he and Sathaporn were targeted for being the only Buddhists in the area:

*Two years before, my brother-in-law was killed, and a year later, our family rubber plantation was burned—both in Yarang district. Maybe they want to chase us out of here. That's why my wife, who survived, was armed that day, as we had asked the government for permission to carry weapons after the previous attacks. And that's why our nephew was staying with us, as his parents had moved from Pattani to Yala, and soldiers now occupy their old house.*

Fatiyah's father stated that, "it was no secret that my three years of work on the Provincial Islamic Council had not won me any friends among the insurgents ... I'm sure they targeted me on account of my assisting the Governor".<sup>35</sup>

Amnesty International spoke with the mother of Kuphansib Lueba, a 19 year-old Muslim woman in Rangae—who had just completed high school six months earlier—and was engaged to Anuwat Jantayod, a Buddhist sergeant in Army Special Unit 15 of Narathiwat 38. They were checking on a rubber plantation, as Anuwat was between deployments with the army and so not reporting each day to work.

*On 26 September 2009 at around 5:00pm, my daughter and her fiancé went to visit our family's rubber plantation across the road. My daughter's fiancé was not dressed in military clothing, but he carried his M-16 with him. About 20 minutes later on their way back, and only about 200-300m from the house—though on a back road leading out to the main road—three insurgents hiding in wait for them attacked. They shot her fiancé first, killing him, and then shot my daughter when she started running toward the main road, hitting her three times on her left leg, side, and chest. Then they stole the M-16, their mobile phones, and her fiancé's wallet. As soon as I heard gunshots I ran to the roadside, and I not only saw the insurgents but recognized them. They wore black clothing but did not cover their faces, and*

*I had seen them before in this village but knew they did not live here now—though one was a relative of my husband and used to live right behind us! They were in their 20s. When I called out my daughter’s name—I could see both bodies on the ground—the insurgents actually turned and looked at me, but just slowly walked back along the same road, past the bodies and further into the forest towards the plantation.*

*As my daughter wasn’t dead yet, four relatives and I all rushed her—and her fiancé—to the hospital, but she died 30 minutes later. Many villagers observed us but none offered to help, as some were scared and this village is full of insurgents. By the time the authorities arrived, we were gone.*

*Possibly the insurgents didn’t like the fact that my daughter was to marry a Buddhist. We were also the only family in the village that refused to co-operate with the insurgents. What really upsets me now is that known insurgents sometimes slow down on their motorbikes outside my house just to scope things out or intimidate us, but they’ve already taken my daughter. I can’t speak for the whole South, but this village has only gotten worse, it is absolutely full of insurgents.*

A year later, insurgents killed Dekjai Ammarin Yusoh and Dekjai Anuja Sirivalop, 14 and 13 respectively, students in Rangae who attended different schools but were neighbours and best friends. Neighbours and family members described them as good Muslim children. A relative and another villager—both of whom knew the boys well—told Amnesty International how they left their houses on the morning of 18 September and drove off on a single motorcycle. When none of their increasingly concerned parents could reach them on their mobile phones by evening and the next morning, they began discussing what to do. However, at about 4:00pm that day, a friend of Anuja’s father who works at Rangae hospital called him to say that Anuja’s body was at the hospital. He had been found in a forest area, some distance away from the nearest house, and had been shot in the body. Ammarin’s family then informed the police and began searching for him until the next day, when they spotted the boys’ motorcycle not far from a canal. About 100m later, with the use of a boat, they found Ammarin’s body.

Both boys had been shot with a 9mm pistol about 15km from their houses and about 2km apart, though their relatives said that on their own they never went further than a kilometre away to the shops on the main road. According to the interviewees, the authorities said it was insurgents who killed them, reasoning that the boys were targeted on account of the fact that Anuja’s older brother is an *Or Sor* and Ammarin’s father a member of the subdistrict administrative centre; they said, “but it is just senseless”.

Less than two weeks later in Rangae, on 1 October 2010, Jaruwat Anuket, an 18 year-old Buddhist student at Pa Pai village agricultural school, was killed while riding his motorcycle en route to inspecting a fishing spot. His father told Amnesty International that his son “was a Buddhist shot in a mostly Buddhist area, also a Red Zone, and others think that perhaps he was killed in revenge for the Al-Furqan mosque massacre in June 2009. It is widely believed that it was Buddhists from Pa Pai village who attacked the mosque, but I don’t know”.

In addition to students, Amnesty International recorded four cases of teachers of Islamic studies (*ustaz*) who were targeted and killed by insurgents, including that of Saduding Kota in Yarang, 33, married with one child. His brother-in-law talked about his killing which took place on 22 October 2010:

*Saduding and I finished praying in the Baan Lubok-Bala Mosque around 1:15pm and were leaving. I was near the exit of the mosque, while he was outside amidst the motorcycles. Suddenly I heard two gunshots, though at first I thought it was just children making noises. I knew what it was when it continued, for after shooting my brother-in-law, the insurgents fired more shots into the air. Not only did they shoot him outside the mosque, but in fact they had just prayed with us in the same room—about 40 of us altogether—concealing their weapons under their proper Malay clothing. There were three of them using one motorcycle, two shooters with 9mm pistols and a driver who covered his face with a scarf. Perhaps because the other faces weren't covered or perhaps as some kind of explanation for why they had just killed, they commanded everyone to "keep quiet" as they drove off. There were many witnesses, but no one seemed to know them, and while they spoke Malayu, they could have even been Buddhists, for I know of another case of faked identity.*

*My brother-in-law lived and taught in Mayo district, but he came to Yarang every Friday and Saturday to do some work at Prince of Songkhla University. His wife taught at a government school, but otherwise, he was only here two days each week.*

In the other three cases, the teachers were attacked while travelling. Also in Yarang, Usman Buesa, 24, who taught the Qur'an to young pupils and also attended Yala Islamic University, was killed on 27 January 2011. His father explained that his son was on his way home from the Friday afternoon market on his motorbike, when insurgents who had been following him on another bike shot him. He was struck only once, under the right eye, the bullet exiting through the back of his head. There were reportedly witnesses, but none provided information to the authorities, and though "two of his students—about 10 years-old—were on the back of his bike when he was shot, they've been too traumatized and scared to talk or remember much". His father added that he was sure the culprits would never be caught. "I know of cases when the insurgents have stood around until someone picked them up from the scene—so confident are they that no one will come to arrest them. Anyway it doesn't matter now, I've lost my only son and revenge would solve nothing. I suppose it's worse in places like Libya, where whole families are being killed."

Similarly in Yaha, on 5 October 2010 insurgents killed Abdulrahman Korde, 33 and married with one child, a teacher in an Islamic school in Songkhla province who also taught Islamic kindergarten (*tadika*) in Yaha on the weekends. On 12 October 2007 insurgents killed Usman Lohbasa, 29 and single, a teacher of Islamic studies at a government primary school. Alongside Usman, his brother, Kariya Lohbasa, a single 27 year-old Muslim rubber tapper, and Salamah Lohbasa, their 50 year-old mother, were also killed.

In the former case, a his relative explained, Abdulrahman was returning to a party for another relative preparing to leave for the *Hajj* pilgrimage, when insurgents in a car pulled up and shot him off his motorcycle. He added that Abdulrahman had only been a teacher for little over a year, as he had come back from studying in Egypt, and that his baby turned eight months the day he was killed. In the latter case, a relative of Usman said that insurgents

waited on the roadside for their car to pass before spraying it with an AK-47. “The authorities said it was definitely insurgents who had attacked my family, since the father at that time—also in the car, badly injured but not killed—was a member of a subdistrict administrative centre in Sabayoi district of Songkhla.”

Three Buddhist teachers in Rangae were also struck down by insurgents while travelling—though none on their way to or from school, but rather en route early in the morning to markets to sell vegetables. Sunee Kaewkongtham, 37, married with three children, taught at Baan Maruebotok school and was killed on 28 June 2009. Her mother, who had already lost her eldest son, also a teacher, and her husband to the insurgency, told Amnesty International that about 2km from the house, insurgents attacked.

*It was still dark and there were no witnesses, but the police later told me that she was struck by something heavy under her left ear, which knocked her off the bike and would suggest that her attackers were waiting by the roadside. Yet she was shot under the left ear as well—I and others heard gunshots—so it must have been both means that killed her. She was probably killed because of her profession, though she had been a teacher for six years, and it being a Sunday, she was not wearing her uniform. I am worried about one of my other two daughters now, a staff member of a distance learning centre nearby here.*

The daughter of Vilat and Khomkham Phetprom, both of whom taught primary education in Rangae at Manangkayee and Tungtohdang schools, respectively, also recounted what happened the day the insurgents killed her parents on 7 September 2010.

*Three groups of insurgents tracked their movements on their motorcycle—the first group calling the second, the second group following them for a while on a motorbike, until the final group, also on a bike, overtook them on their right side. The insurgent riding pillion shot them with an M-16—12 shells were found on the road—and then stopped to steal their belongings. My mother was wearing jewellery and my father was carrying a gun, though he had had no chance to defend himself. However, when a former student of my mother’s saw them and began shouting, the insurgents fled on their bike. My father, who was driving the motorcycle, died then and there, while my mother died not long after at Rangae hospital after the student and some other villagers assisted her. In fact, they argued for some time with each other as to whether to help my mother, but the student finally stepped forward. Had they helped sooner my mother might have lived, and the former student has since sent a message to me asking that I not visit or thank him—scared that the insurgents will target him. The police told me that these insurgents think they will reach paradise if they kill people.*

Finally, Amnesty International spoke with the wife of a Muslim primary school teacher and assistant headmaster at Baan Tonturian school in Yarang, Akhim Suwannawong, 57. Like many of the cases above, he was attacked while travelling, but in contrast, he was en route to school. His wife explained that on 31 July 2008, four or five insurgents on two motorcycles communicated with each other with mobile phones to track her husband’s location—though there was only one route to the school and he had been using it for 15 years. About a week beforehand, a villager warned him that strangers had been seen in the area seemingly scoping it out, but her husband was not concerned since he had worked there so long and all the villagers knew him. While slowing down to take the final left turn toward the school,

Akhim was shot by two insurgents. The insurgents stole his pistol and just drove off. He died on the spot. "They attacked him because of his work as a teacher in a government school. The government pays little attention when the insurgents kill ordinary villagers, so they prefer to shoot civil servants."

## 2.4 OTHER CIVIL SERVANTS AND STATE-SUPPORTED PROFESSIONALS

In late January 2011, schoolmaster Akhim's wife (cited above) received a letter from the Yarang police informing her that one of her husband's attackers had been killed in a shoot-out with them in November 2010. Three days after the deadly exchange, on 22 November 2010, Praphan Disornphong, 65, a retired Buddhist member of the Pattani provincial administrative centre, was shot in Yarang while inspecting vegetables at a roadside market. His relative told Amnesty International that he believes the insurgents killed Praphan as revenge for the loss of their comrade (and the arrest of another) in the shoot-out—they had sworn revenge via leaflets in the area—and that it was his eight years of work as a provincial official that made him a target. While there is no way to independently verify this, civil servants and other state-supported professionals—persons taking no active part in hostilities—have consistently been targets of the insurgents since early 2007. The effects of this are difficult to quantify, but it is generally accepted in the deep South that positions in the public sector have been increasingly difficult to fill, due to the fear that direct or even indirect association with the state increases the likelihood of being killed by insurgents.

In the case of Praphan, who was unarmed, two insurgents on one motorcycle were waiting for him on the right side of the four-lane road, while he walked on the left next to the various food stalls. As he knelt down to choose some vegetables, the insurgent riding pillion got off his bike and crossed the road and shot him four times at close range, three times in the body and once in the back of the neck, with the bullet exiting his head. The insurgent used an 11mm gun and a .38 caliber pistol, one in each hand. He did not cover his face and he said nothing, but calmly re-crossed the street to the opposite side, where he and the driver sped off.

*There were of course many witnesses but there has been no progress in the case. Even people who knew him did not step forward to help him, as everyone is afraid that doing so could make them a target and no one trusts anyone else. However, before he died, my relative asked a 10 year-old boy near him to alert the police about 15m away. The boy told his mother, who in turn went to the police, but he died shortly thereafter on the side of the road.*

Three more cases of Buddhists in Yarang who were paid by the state were recorded by Amnesty International. Adjara Sakonthawut, 45, married with three children, and Benjaphat Sae-tin, 37 and single, worked at the Prachan subdistrict public health centre. According to Adjara's brother:

*On 8 August 2007 at about 1:00pm, my sister and Benjaphat were eating lunch together at the centre. Unlike teachers, public health officials are not armed by the government. Their*

one Muslim colleague had gone out for lunch a few minutes earlier. Seven insurgents, who most likely came by boat on the river across the street, approached the centre from that side. They wore black but did not cover their faces, and carried AK-47s. Four of them walked into the ground floor of the building, while three others used a ladder they brought to climb up to the second floor. One of those three then called my sister's name as he walked in. He took her by the hair and forced her to the floor, face-first. She begged him not to shoot her, pleading that she had three children, but he shot her in the head seven times. He then turned to her colleague and shot her six times. He said nothing and took nothing, but before he and his comrades left, they set fire to documents in the office.

Despite the fact that the area is a Red Zone and that she and her colleague were among the few Buddhists who lived or worked there, I don't think my sister was killed because of her religion. Rather, every Monday she would go to Yarang hospital to assist drug addicts there and in nearby villages, and I think the insurgents wanted to kill her for that. Many insurgents are also running and selling drugs, and that also explains why they set fire to documents in the centre. She had been working at the centre for about 15 years, and they saw her as a threat.



Newspaper reporting the killing of Adjara Sakonthawut.

Two years later, Noi Kaewthong, 57, married with one child and working as a District Office-appointed undertaker in Yarang, was attacked on 1 August 2009. His 63 year-old wife survived and recounted the circumstances to Amnesty International:

*In the morning, my husband and I were returning to our home from Yala, where we went two-three times each week to buy food we would sell at the temple. With about 7km to go, two motorcycles appeared on either side of our pick-up truck. I was so sleepy that I didn't see this myself but it squared later with what the authorities told me. Shooters on both bikes then fired at us, hitting my husband in the neck and causing him to slump over to his left*

*onto me. The bullet actually went through his neck and through my right shoulder, finally resting to the side of my right breast, but I didn't feel anything or realize it until later. I tried to take over the wheel but crashed the truck shortly thereafter. The insurgents then got off their bikes, approached the truck, and shot my husband twice more at close range through the open driver's side window, before stealing his wallet containing about 600 baht. I pretended to be dead, placing my head in my hands and leaning forward on the dash board. He had not died after the first shot, but the others killed him. I know this because once the insurgents drove off, I had to lift his body off of me, and he did not respond when I told him that I was going to get out and check the truck and road for bombs.*

*I tried to flag down 11 cars that drove past, but none stopped, and no one from the houses on both sides of the road came out either. I might have used my husband's mobile phone, which the insurgents didn't take, but I don't know how. So I walked to a Thahan Pran checkpoint 3km away. It was there I learned for the first time that I had been shot. The Thahan Pran took me and my husband's body to Mayo district hospital then, where I finally fell unconscious, and then someone transferred me to Pattani hospital. As my husband was the main breadwinner, it is hard now as I must care for three grandchildren. These days I am so scared that I only leave the house in a group of people, and the sound of gunshots makes me physically shake.*

Ruem Meesrisawad, 79 and married with children, was retired from his practice of traditional medicine, but had been appointed by the District Office in Yarang to treat villagers, when insurgents attacked him on 4 February 2011. His daughter spoke with Amnesty International:

*At about 10:45am, my father was sitting just inside our neighbour's house on the corner of a T-junction. Two others he was talking with were actually outside the door, long retired Or Sor. Two insurgents on a motorcycle came from the main road, part of the T-junction, the driver turning right on to our street and the man on the back firing at the three of them with a shortened AK-47. They wore black clothing but did not cover their faces, and were about 30 years old. I was on the opposite side of the street and so saw this—lucky not to be sitting with them. Had I been at home next-door, however, I might have been able to shoot at them with a gun we keep there. It was broad daylight, the road was under construction, soldiers are based at Wat Kamarwasikkaram about 90m from here, and there's a Chor Ror Bor checkpoint 30m away! But my father and his neighbours were elderly and so couldn't run away, and unlike many of the youth these days, were not armed. The insurgents just drove off away from the main road, firing into the air for effect. As it was two days after the Chinese New Year, some people thought it was just kids still making noise.*



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The house where Ruem Meesrisawad and his neighbours, Phon Kwansuwan and Loang Chaichanah were shot.

*Maybe the insurgents want to chase Buddhists from the area. My father was the first person killed in this village, but others from it have been killed while outside. The village centre is Buddhist but its periphery is Muslim. We generally get along fine, but since the shooting, Muslims have been careful not to be seen as too close to Buddhists. There is a rumour circulating that more attacks are coming, as well as a new rumour that Buddhists here kill Muslims, which has also created recent tension. Soldiers in the temple have warned us all to be careful, and their presence has actually made me feel less secure now, as it seems that the insurgents can and will strike anywhere. Many of the groceries are closed now. We all go inside at dark and are very scared it will happen again. Let this be the last case, so that we can live peacefully with Muslims as we did before.*



© Sakiroh Yaena Benharoon  
Bullet hole in a bench outside the house where Ruem Meesrisawad and his neighbours, Phon Kwansuwan and Loang Chaichanah were shot.

As with students and educators, Buddhists are not the only other civil servants and state-supported professionals targeted by the insurgents; Amnesty International spoke with witnesses and relatives of Muslim victims as well. On 15 March 2007, insurgents attacked a roadside tea shop in Yaha, killing four people, including Sobri Uma, 22 and single, a public

health worker at the state-funded Yala hospital. Fellow victims were Asmin Ardae, 43, who was married with five children and sold food at a local market, and Yusoh Yusoh, 50, married with four children and a rubber tapper. All that is known to Amnesty International of Sa-aree Ramanjeh, the fourth victim, is that he was 47, and there were roughly 15 others present when the attack took place. Sobri's step-father, the owner of the shop in which the attack occurred, and a member of the Katong subdistrict administrative office, was one such witness:

*At around 9:15pm, I sat at my tea shop by the main road, with at least 20 customers, and saw a pick-up truck drive slowly by. They stopped just beyond the shop at a diagonal angle, but without even getting out of the truck—some were in the cab, others in the back—one fired an M-79 grenade at my shop, followed by the others who sprayed my customers with M-16 bullets. My step-son was fatally injured by the grenade and died later that night at the hospital. Three other men, two young and one older, were killed by bullets, while eight other people were seriously wounded. I was not hurt. None of us, as far as I know, was armed.*

*There were eight insurgents, and they were all dressed in fake police uniforms—they attacked an entirely Muslim tea shop to make it look as if the authorities had done it, so as to incite hatred against them and generate support for the insurgency.*

*I learned shortly thereafter that they were the same group of insurgents that had attacked a mosque in Baroh subdistrict, about 10km from my shop, at about 8:30pm that same night. Many were injured but none killed. They wore the same fake uniforms then too, and doubtless had the same motive, given that their target was a mosque!*

*I lost my step-son, who the very next day was planning to go to Bangkok for six months to further his education in the public health field. The authorities later captured two of the insurgents, both of whom are now on death row for the events of that night. Five others were killed by the security forces in a single firefight at some point.*

In the other three cases, insurgents again attacked while their victims were on the road. Korseng Bueradeng, a 24 year-old nurse's assistant in Rangae described by his sister as "a good Muslim", was killed on 15 September 2008, shot in the back with a shotgun while riding his motorcycle home from the hospital. Insurgents also killed two members of the subdistrict administrative centres in Yaha, Yusoh Sahok, 40, married with four children, and Sanusee Jehyeh, 40, married with eight children. Killed alongside Yusoh on 8 August 2007 was his cousin, Abdullah Sahok, a 38 year-old father of five children and a rubber tapper and used car salesman. His wife told Amnesty International that she discovered the victims in their car on a road in Yaha as she passed by on her motorbike. A village headman added that:

*A month before Yusoh was killed, authorities found a dead body near his neighbour's house. They remained in the area to investigate and arrested the neighbour, though he was eventually released. They also came to Yusoh's house and asked if they might use his car to remove the dead body, which he allowed them to do. So the insurgents may have seen this and thought he was co-operating with the authorities, and killed him as a result.*

Sanusee’s wife told Amnesty International that on 10 February 2009, her husband was walking home from the mosque and a *Chor Ror Bor* base:

*He never made it into the house, but was shot just outside, where the insurgents must have been waiting for him—for I heard no motorbike approach. I heard about four shots—shotguns, an 11mm pistol, and an AK-47 I was later told—but was too scared to go outside. My husband had been a member of the subdistrict administration centre for over eight years. Two years before that night and on two or three occasions, two insurgents came to our house and spoke with my husband. I knew at least one of them, as he was from this village, and indeed they identified themselves as insurgents. I don’t know what they said, but after that my husband moved to Muang district for about two years, before moving back here about nine months before he was killed.*

## 2.5 VILLAGE HEADMEN AND *POR ROR SOR*

Also representing the state are village headmen, local officials elected by their constituents to represent them to other Thai authorities, including district and provincial officials and the various security forces operating in the deep South. Part of the Ministry of Interior, they advocate for the villages’ interests, as well as inform villagers about official directives and policies.<sup>36</sup> In addition, they also serve as nominal unit leaders of the *Chor Ror Bor*, which have taken on an increasing counter-insurgency role since 2004. Most village headmen are assisted by a *Por Ror Sor*, an assistant for security affairs associated with the headman and the liaison between him and the *Chor Ror Bor* under his leadership and guidance. Village headmen and *Por Ror Sor* have been targeted by the insurgents for years, especially those they deem *munafiq*, Muslims who are traitors to Islam by working for and with the Thai Buddhist state. Indeed, all of the cases of village headmen and *Por Ror Sor* documented by Amnesty International are of Muslims.

Each of the three focus districts of this report provided particularly illustrative cases of the targeting of village headmen by the insurgents. In Rangae, the wife of Madnavee Jehleh, 42, spoke with Amnesty International:

*On 29 May 2010 at around 5:00pm, my husband was at an unfinished Chor Ror Bor check-point about 1km from our house. As he did everyday around the same time, he had gone there to check on the progress of the check-point, which had been under construction for 17 days. Two workers were there but no Chor Ror Bor. About a minute after he arrived, two insurgents who had been following him on a motorcycle, wearing sarongs and Muslim dress, pulled up. They jumped off their bike, said something to the two workers—who subsequently ran off—and opened fire with an AK-47, killing my husband on the spot. They took his 9mm pistol, which he had not had a chance to defend himself with, and drove off.*

*My husband was clearly targeted for his work as a headman. He had been attacked twice before in fact, once in 2004, when he was seriously injured, and again in 2005, when he was able to defend himself. After that, I took a call on his phone from a number that belonged to another headman who had already been killed. The callers did not identify themselves but*

*spoke in an unfriendly way to me, saying that they knew my husband worked with the authorities. The insurgents had actually driven by the check-point several times before too, presumably to scope out the place, for villagers and witnesses to the shooting in a nearby tea shop recognized them and knew they were not from this area.*



Teashop near where Madnavee Jehleh was attacked.

In Yarang, several villagers who knew Ya Musa, a 56 year-old subdistrict headman, married with five children, explained what happened on 21 January 2009:

*At around 5:45pm, Ya was taking his cow to graze in a field about 100m away from his house. His son and some other villagers saw two insurgents attack him. One was wearing normal clothing and drove a motorbike, while the shooter wore women's Islamic clothing, including the hijab, and carried an AK-47. The insurgents had actually driven by his house as he was leaving with the cow in the opposite direction, so they passed him, turned around further along the road, and drove back to shoot him. He was armed with a .38 caliber pistol but had no time to defend himself, and the insurgents stole his gun before driving off.*

*Ya had only been subdistrict headman for three days, having done the job on an interim basis for eight months previously. His predecessor was also shot, which is why Ya had taken over. He had had no previous problems with the insurgents, even while as a village headman for 20 years before, and so was not especially scared to take the job. But it must have been his promotion that made him a target. No one can tell another's allegiances or sympathies. Since his death, likely insurgents or sympathizers have annoyed his family's chickens, knocked on their door at night and run off before being seen, thrown things at their house, etc. Ya was the third person of five in this village to be killed within a two-year period—the most recent cases were about three months ago, two relatives of his.*

In Yaha, Waedolah Wae-useng, a 61 year-old village headman, was not the only person killed when the insurgents attacked on 5 September 2009. Yalayah Wae-useng, his 35-year-old daughter, and her husband Mahamah Longsa, 42, a *Chor Ror Bor*, were also victims. According to Waedolah’s son-in-law:

*At about 7:40pm, the victims were shot and killed about 500m from where they lived. My father-in-law had three wives, and on that evening, after leaving one wife’s house to visit another, two men in police uniforms came to her door and asked for him. They assured her that there was nothing to be afraid of, saying that they were friends. She replied that he had just left after breaking the Ramadan fast and was going to another wife’s house, but did not say where that house was located. Once these men left, she called my father-in-law to tell him about them, and he replied that there was nothing to worry about.*

*While at his other wife’s house, he saw a car pass slowly by, and thinking that they would likely stop at his daughter’s house closer to the road—about 100m away—he walked there. When the two men approached the second wife’s house, however, she told them that he had just walked to his daughter’s house. The two men—and likely more at that point—then walked to the daughter’s house, where he was waiting along with his daughter and her husband. I was still at home but heard gunshots. At first I thought it was just children making noise, but then realized it was not and so ran down to the house. When I arrived, both the daughter and her husband were dead, but my father-in-law was still alive. I prayed for him, and he died soon thereafter. The killers used both machine guns and pistols, and stole my father-in-law’s pistol—which he had not fired.*

*In addition to being a headman, he may have been targeted for assisting soldiers two weeks before his death, when a car bomb in his area of responsibility exploded, killing three Or Sor. He assisted the injured and spoke with the soldiers. In any case, it was quickly determined that the police uniforms worn by the men were fake.*

All of the remaining six cases—two in Rangae and four in Yaha districts—recorded by Amnesty International of insurgents targeting village headmen, involve attacks on roads, a typical method of the insurgents. In Rangae, Aliyah Haji-Lador, 39, married with four children, was killed alongside his friend, a fisherman, Kariya Dueramae, on 27 May 2007. According to his parents, Aliyah had just delivered the results of a household survey to the District Office when insurgents in a car, who had followed their son and his friend riding a motorcycle together, came upon them and shot their son nine times with an M-16.

Singchai Saleh, 38 and married, was killed on 7 January 2011. His wife explained that insurgents shot her husband with an AK-47 as he was riding his motorbike home after buying breakfast for their child at a tea shop nearby.

*He had been attacked twice before, both times when he was working as an assistant village headman, seven years ago and five years ago. He had been an assistant for eight years before becoming the headman two years before he was killed. He also worked closely with Fourth Army Commander General Pichet Wisaijorn and his sufficiency economy projects here, which would have also made him a target.*

Another village headman who knew Singchai and replaced him, added that since the start of the violence in early 2004, all three village headmen from that area have been shot dead.

In Yaha, two village headmen were killed about six weeks apart in 2009. Insurgents attacked Mayusoh Ardae, 45, married with four children, on 28 June, and killed Dorohing Jekwaedolah, 53, married with six children, on 6 August. In the former case, a villager who knew Mayusoh said that two insurgents riding a motorcycle and wearing Malay clothing with cloth over their faces overtook Mayusoh's motorbike at around 11:00am. They shot him once, knocking him off his bike, then fired five more rounds into him. The villager added that it was probably because he had recently become a village headman that he was targeted: "He had only been a headman for about a month, and had told me that since he was elected, he would do the best he could." In the latter case, two relatives stated that he was shot while riding his motorcycle home in the evening.

The following year in Yaha, a former village headman and a current one were killed only four days apart. According to his wife, insurgents shot Aziz Roying, 65 and the father of four, on 2 May 2010 while he was riding his motorcycle less than 100m from a *Chor Ror Bor* base and a police checkpoint. He had stopped being a village headman for two years already, having had the job for four to five years previously. Similarly, a relative of Musa Daewosening, 52 and married with two children, explained that insurgents in a pick-up truck shot him with an M-4 machine gun as he rode his motorbike following a meeting at the district office. He had been the village headman for three terms, a total of 12 years.

As noted, the insurgents have also targeted the village headmen's assistants for security affairs, the *Por Ror Sor*. Four cases recorded by Amnesty International—one in Rangae, one in Yarang, and two in Yaha—are particularly illustrative of this, although as with all of the cases in this report, it is impossible to know to what extent the identity focused on by the interviewee(s) motivated his attackers.

Indeed, in the first three cases, the victims were actually attacked while off-duty and on their way to tap rubber. The parents of Beraheng Khader, 43 and married with three children, killed in Rangae on 12 February 2011, spoke with Amnesty International:

*At about 6:00am, our son left the house to tap rubber on the plantation about 300m away. He wore just normal clothing but was armed with a 9mm pistol. While returning home about an hour later on his motorbike, still on the small access road to the plantation, about 200m from the main road, he was attacked by six insurgents. They were waiting for him there, wearing normal clothing and not covering their faces—this area is under the insurgents' control, completely Muslim as all the Buddhists have long gone. They shot our son 27 times in the upper body with AK-47s and M-16s, before stealing his gun. There were certainly witnesses, but none have come forward, and indeed the insurgents were from that same village and just walked away after the shooting.*

*I know who the insurgents are who killed him, but they are protected by powerful people—that's as much as I'll say. About 10 days before he was killed, they placed a piece of white cloth—signalling death—on our plantation, suggesting that someone from our family would be killed. Then, on each of the two days before the attack, the same six men seriously threatened both my son and me with guns in their hands. They did not like us because we*

*were the only family in that village that refused to co-operate with them, to pay them money and join their meetings and so on. After they killed our son, they again threatened our family, surrounding our house on their motorcycles and shouting back-and-forth with another of our sons, so we relocated to another village nearby a week later. We're still scared, but here a military base is not so far away.*

Similarly in Yarang on 23 June 2011, Koseng Jehma, 45, married with six children, was attacked while riding his motorcycle with his wife en route to a rubber plantation at dawn. He had been a *Por Ror Sor* for more than two years, but took the same route each morning to the plantation.

And in Yaha on 30 January 2008, Mohamad Kholid Bangosnoa, 33 and the father of two children, was killed, as described to Amnesty International by his wife:

*At about 6:30am, my husband left our home to go tap rubber. He was dressed in just normal clothes and was unarmed. He had only just gotten home from a local school, which as a Por Ror Sor he was in charge of guarding each night, but he left again on his motorcycle after resting for a few minutes. As he reached a T-junction about a kilometre from here on Buket Glugo-Bango road, the same one he had travelled en route home an hour earlier or so, two insurgents on a motorcycle were waiting for him there. In fact, my husband's friend who had been riding with him earlier on the way back from the school, later said that the insurgents may have been waiting for him at that time too, for when they went past, the men hid their faces with cloth. Perhaps they decided against shooting my husband then because his friend was driving the motorbike, or maybe they just wanted to scout his route.*

*In any case, the insurgents who killed him were seen by other villagers waiting at the junction before my husband passed there a second time on his way to the rubber plantation, for the insurgents raced after him at high speed after he went by. They shot him when they caught up, first on his side, which knocked him off the bike, and then in the head. He died on the road. No one saw the shooting but many people heard the shots. Despite only being a Por Ror Sor for five or six months before being killed, he was known for his co-operation with the authorities, and that's surely why they killed him.*

The village headman for whom Mohamad worked, added:

*The insurgents passed my assistant, going in the opposite direction, when he and his friend left the school that night and went home. They then turned around and followed them, long enough to see my assistant get off at his house, before continuing on a few hundred metres and pulling into a gas station. There they waited until they heard my assistant's motorbike leaving his house about an hour later, and followed him. They caught up and shot him with a .38 caliber pistol. Two other villagers, however, were passed on the road, going in the same direction, first by my assistant and then by the insurgents. These villagers heard the shots and caught up to my assistant only after he had been killed; the insurgents had fled the scene.*

*The insurgents knew my assistant's routine, for they had scoped it out previously. Moreover, before becoming a Por Ror Sor, my assistant was a security guard on a government salary for about a year. He recounted to me a conversation he had had with a friend in Sabayoi district of Songkhla province, who told him that he hated the fact that my assistant was being paid by the government. While he described the person as a friend, my assistant was scared by the conversation and so stopped going to Sabayoi.*

A little more than a month earlier on 23 December 2007, Waeda-oh Panawa, 53 and the father of four children, was also targeted by insurgents. His wife, a witness, described what happened:

*At about 11:00pm, I was with my husband and a friend of his in our house, watching Thai election news on the television. My husband owned a gun but did not have it with him. I was sitting on the floor and eventually fell asleep in front of the television. An unknown number of insurgents simply walked up to our house, which is not by the roadside but set back a bit and accessible by a dirt road and several paths, and walked through the front door, which was open. I saw nothing but was abruptly woken by the gunshots. They shot my husband with a long gun and simply walked out again; neither his friend sitting next to him nor I was so much as threatened. I was able to say "in the name of Allah" to my husband and listen to a few words from him before he died in front of me.*

*My husband was clearly targeted—his friend worked only as a rubber tapper—but I don't know why, as he had worked as a Por Ror Sor for twenty years, and never had any problems. He had even told me that he didn't think the insurgents would attack him, since he was known as a conciliatory person in the community. Moreover, he was the first person in this area—admittedly a Red Zone—to be killed, though since then there have been two bombs and another Por Ror Sor killed. I never think of revenge because only Allah knows what happened to my husband.*

Three additional cases—Abdulramae Mused of Rangae, 60, married with two children; Supak Daewosenung of Yaha, 50 and married with two children; and Bueraheng Jehsuemu of Yaha, 45 and the father of two children—resemble one another in once again taking place on the roads. Their wives spoke separately to Amnesty International. Abdulramae was killed by insurgents in a pick-up truck on 5 November 2009, while riding his motorcycle with a *Chor Ror Bor* en route to checking out the security situation in front of the village headman's house—something he had done every Thursday for two years. Abdulramae's wife said, "He was targeted for his work for the headman, and I suppose his friend was just lucky; it wasn't his time. My husband wore nothing that night that identified him as an assistant, but the insurgents would have known his routine and route".

Supak—a former *Por Ror Sor*—killed on 16 May 2007, and Bueraheng, a current *Por Ror Sor*, killed on 30 August 2009, were both in transit between their homes and the local mosque. Supak's wife heard "many shots"—he was hit four times—and knew that it was not her husband firing, for he did not have his gun on him that evening. "Having been a *Por Ror Sor* for eight years might be why he was killed, though he had stopped such work about two years before he was attacked," his wife said. Bueraheng was walking no more than 20m from home when at least two insurgents who had been waiting for him shot him from some forest cover not far from the roadside. They were dressed in black and used either an HK-33

or M-16 machine gun. After shooting, they approached him, struck him with their guns or sticks, and stole his gun—which he had not been able to use. “I don’t know why they killed my husband, but our area certainly was a Red Zone at that time, completely Muslim and with a lot of support for the insurgency,” Bueraheng’s wife said.

A villager who knew the victim, added:

*A month before Bueraheng was killed, police and soldiers had come to our village requesting some assistance in identifying an insurgent whom they wanted to arrest—he had recently returned from another area. The headman was not present, however, so Bueraheng helped them instead, pointing out the house where he sometimes lived. The insurgent was not home, but the authorities searched the house. Others would have seen this, and seen him present and co-operating, and the insurgents would have targeted him for this work.*

## 3. CONCLUSIONS AND RECOMMENDATIONS

Thailand's three southern-most provinces are host to a non-international armed conflict, based on the intensity and duration of hostilities there, as well as the existence of organized groups of insurgents.

Common Article 3 of the four Geneva Conventions clearly provides that *all parties* to an armed conflict must apply certain minimum standards in treating all "persons taking no active part in the hostilities". Targeting such persons for attack is prohibited at all times. The insurgents in southern Thailand, through widespread killings of persons taking no active part in hostilities, have violated Common Article 3. They have committed—and are continuing to commit—what amount to acts aimed at spreading terror among the civilian population, and which constitute war crimes. As a party to Thailand's non-international armed conflict in the deep South, the insurgents are in breach of the obligation under customary international law to not commit "acts or threats of violence the primary purpose of which is to spread terror among the civilian population".

This basic and grave violation of international humanitarian law has had an adverse effect on the demographic, economic, and educational situation in Thailand's three southern-most provinces, resulting in further suffering of the civilian population.

Further, the Government of Thailand has not been able to assert and exercise lawful control over these provinces. Human rights violations by Thai security forces have also contributed to the deterioration of safety, security, and protection in the deep South for those taking no active part in hostilities.

### **Amnesty International calls upon the various insurgency groups operating in southern Thailand to:**

- Immediately cease their attacks targeting persons taking no active part in hostilities; and
- Publicly commit to preventing attacks on civilians and ensure insurgent cadres are ordered to avoid such attacks.

Amnesty International recommends that the Thai government protect civilians and others taking no active part in hostilities by:

- Thoroughly and impartially investigating all unlawful killings, including those allegedly committed by security forces, and trying alleged perpetrators in proceedings which meet international standards of fairness and without the imposition of the death penalty;
- Continuing to ensure reparations to victims of unlawful killings, including through disclosure of the truth, and taking steps toward ensuring that such abuses are not repeated;

- Ending the facilitation and subsidization of small arms purchases, and tightening regulations pertaining to the ownership of guns;
- Either extensively revising Martial Law or repealing it;
- Enforcing any emergency measures, if at all, only in strict compliance with international human rights law and standards. In particular, amend provisions of the Emergency Decree which do not conform to such law and standards, including amending Section 17 which provides immunity to officials from prosecution under most circumstances;
- Ending the practice of informally ‘blacklisting’ suspects;
- Ratifying the Rome Statute of the International Criminal Court;
- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearances and take the necessary steps effectively to implement the Convention at national level soon after ratification;
- Seeking technical assistance and expertise from relevant UN Special Procedures in implementing its treaty and other international legal obligations pertaining to the protection of individuals in the deep South, by granting the requests to visit Thailand issued by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on arbitrary detention;
- Seeking technical assistance and expertise from relevant UN bodies and Special Procedures in implementing its treaty and other international legal obligations pertaining to the protection of individuals in the deep South, by contacting the UN Children’s Fund (UNICEF); and issuing standing invitations to the Special Representative of the Secretary-General on the situation of human rights defenders and the Special Representative of the Secretary-General for children and armed conflict;
- Seeking technical assistance and expertise from relevant UN bodies and Special Procedures in implementing its treaty and other international legal obligations pertaining to the protection and promotion of economic, social, and cultural rights in the deep South, by granting the request to visit Thailand issued by the Independent Expert on minority issues; by contacting the Economic and Social Commission for Asia and the Pacific (ESCAP) and the UN Country Team; and by issuing a standing invitation to the Special Rapporteur on the right to education; and
- Ratifying Additional Protocols 1 and 2 to the 1949 Geneva Conventions, which improve the legal protection covering civilians and the wounded, and lay down detailed humanitarian rules that apply in non-international armed conflicts.

Amnesty International recommends that the Thai government consider additional measures in the deep South that go beyond the narrow counter-insurgency strategy of security forces and extraordinary legislation. While recognizing the development efforts in the deep South made by several Thai governments since early 2004, Amnesty International believes that additional

initiatives toward promoting and protecting economic, social, and cultural rights there—with an emphasis on matters of governance and representation—would address many of the grievances expressed by ethnic Malay Muslims.

In particular, Amnesty International encourages the Thai government to consider the initiatives by the army in Yaha district of Yala province, which may serve as good examples. These include increased meetings and consultations with village and religious leaders and more concerted efforts at convincing families to prevent or end support for the insurgents. It should also consider recommendations made by the government-appointed independent National Reconciliation Commission in its 2006 report.

**Recommendation to the United Nations:**

- The UN Country Team, in accordance with its responsibilities under UN Security Council Resolutions 1612 (2005), 1882 (2009) and 1998 (2011), should take immediate steps to establish systems for gathering information on grave human rights abuses against children.

**Recommendation to the Government of Malaysia:**

- Co-operate with the Thai government in addressing the situation of refugees and asylum-seekers who have crossed into its territory, in compliance with international law.

**Recommendation to the Government of Indonesia:**

- Offer assistance to the Thai government by way of advice and best practices toward protecting civilians and finding a peaceful resolution to the non-international armed conflict.

**Recommendations to the European Union and its member states with representation in Thailand:**

- Pursuant to the EU Guidelines on Promoting Compliance with International Humanitarian Law (IHL), work with the Thai government toward ensuring its compliance with IHL in Thailand's deep South, through reporting, assessing and making recommendations for actions, including those toward assigning individual responsibility for IHL violations; and
- Pursuant to the EU Guidelines on Human Rights Defenders, attempt to ensure that independent human rights organizations, its members, and others working to protect the rights of individuals and especially those not taking active part in hostilities in Thailand's deep South, are not subjected to harassment, attacks or other human rights abuses.

# APPENDIX I: THE INSURGENCY/COUNTER- INSURGENCY IN BRIEF

## 1. PRE-2004

Since the determination of Thailand’s southern border with Malaysia (then Malaya under control of the British colonial authorities) in the early 1900s, the region has been plagued by intermittent armed resistance to Thai rule. The Sultanate of Patani, which included the present-day Pattani, Narathiwat, Yala, and parts of Songkhla provinces, was annexed by Thailand (then the Kingdom of Siam) in 1909, following a treaty negotiated with the British government. Over 90 per cent of the roughly 1.7 million people currently living in this region today are ethnic Malay Muslims.<sup>37</sup> By comparison, in the rest of Thailand only nine per cent of the population are Muslim (whether Malay or other ethnicities); almost 85 per cent of the Thai population is Theravada Buddhist. Ethnic Malay Muslims in these southern-most provinces speak a dialect of Bahasa Malaysia known as Malayu, the written form of which is known as Yawi, using the Arabic script. The four provinces are predominantly rural, with extensive rubber and fruit plantations and a large fishing industry on the Gulf of Thailand.

In the 1960s and 1970s, over 60 armed groups were operating in the region,<sup>38</sup> although many were hardly distinguishable from armed criminal gangs. Two groups, however, were—and remain—particularly ideological and active.<sup>39</sup> The National Revolutionary Front (*Barisan Revolusi Nasional*, BRN) was founded in 1963 in response to the forced registration by the central Thai government of *ponoh* (traditional Muslim boarding schools) and the imposition of a secular curriculum. The largest and most effective insurgent group during the 1970s and 1980s was the Patani United Liberated Organization (PULO), also with the goal of creating an independent Islamic state. In 1981 it claimed to have as many as 20,000 fighters, though this claim was widely held to be grossly exaggerated.<sup>40</sup> Among its six main district strongholds in Thailand—although it was and probably remains active in all four relevant provinces—were Rangae in Narathiwat and Yarang in Pattani, both focus districts of this report.

Violence peaked in the mid-1970s, but by the mid-1980s through the turn of the century it had died down. Both the BRN and PULO split into various factions,<sup>41</sup> and the government overhauled its strategy in handling the situation. Key initiatives included the establishment in 1981 of the Southern Border Provinces Administrative Centre (SBPAC) to enhance consultation with and reduce prejudice towards ethnic Malay Muslims among officials in the deep South; the establishment of the Civilian-Police-Military Command (CPM) 43 to co-ordinate among security forces; and a blanket amnesty for separatists (and communist insurgents) who laid down their weapons.

## 2. RE-IGNITION AND RESPONSE IN 2004-2006

By the early 2000s, through a number of sporadic but increasing attacks—50 in 2001, 75 in 2002, and 119 in 2003<sup>42</sup> (when insurgents reportedly numbered 20,000<sup>43</sup>)—the insurgency in southern Thailand was showing signs of making a comeback.

It reignited on 4 January 2004, when insurgents raided an army depot in Narathiwat, seizing weapons and killing four soldiers, and staged other attacks simultaneously elsewhere in the deep South. In response, the government of Thaksin Shinawatra invoked Martial Law for all of Narathiwat, Pattani, and Yala, and in four districts of Songkhla. His government had previously disestablished SBPAC and CPM 43 in 2002, a move which many believed made the situation in the South worse. While Martial Law handed considerable power to the Fourth Army, Thaksin's insistence that the Royal Thai Police, in which he had begun his career, play a leadership role in the counter-insurgency, led to confusion and sometimes rivalry between the two security forces. Later in 2004, the government also established the *Or Ror Bor*, a village defence militia trained and armed by the state but comprised largely of Buddhist civilian volunteers.

On 11 March 2004, Somchai Neelapaijit, a Muslim lawyer representing several of the suspects in the January 2004 raid who said they had been tortured in custody, was abducted in Bangkok. Among the government's inadequate and provocative responses to this enforced disappearance, was a statement by Thaksin that the lawyer's unknown whereabouts may be in relation to an argument with his wife. Also that month, Thaksin assigned deputy Prime Minister Chaturon Chaisang to investigate the situation in the deep South, but subsequently ignored all of his proposals—including to lift Martial Law and cease all extrajudicial executions—toward improving the situation.

On 28 April 2004, insurgents carried out attacks against 11 police outposts in Pattani, Songkhla, and Yala, killing five police officers (and losing over 50 fighters themselves). Security forces then stormed Pattani's Krue Se Mosque, killing all 32 men who had retreated there, and also shot dead 19 young Muslim members of a local football team at a restaurant in Sabayoi district in Songkhla province. When it was reported that some of the victims at both sites were unarmed and/or shot at point-blank range, resentment among the large Muslim community in the deep South increased.

25 October 2004, however, proved to be the year's most inflammatory action by the security forces. After six people were arrested for allegedly supplying weapons to the insurgency in the village of Tak Bai in Narathiwat, people began demonstrating for their release in front of the police station where the six were being held. Soldiers reinforced the police and fired tear gas, water cannons, and eventually bullets into the crowd, killing seven people. After arresting hundreds of others and forcing them to lie horizontally on top of one another in the back of trucks while transporting them to Inkayuthboriharn military base, 78 were crushed or suffocated to death amidst the weight and heat. Thaksin further inflamed the situation by suggesting that they were weakened by Ramadan fasting. Charges were then filed by the authorities against 58 people accused of participating in the demonstration.

Sometime in 2005, former Thai Prime Minister Anand Panyarachun and former Malaysian Prime Minister Mahathir Mohammed, quietly brought together in Malaysia 'old generation' southern Thai separatists (many of them in exile) and several government officials, but the meetings yielded no results. In April 2005, largely in response to criticism, in both the South and more critically in Bangkok, of his government's handling of the renewed insurgency, Thaksin formed a National Reconciliation Commission (NRC) toward finding a peaceful resolution and named Anand as Chair. However, without even informing, much less consulting, the NRC, on 19 July Thaksin put into effect an Executive Decree on Public Administration in Emergency Situations (Emergency Decree) in the deep South, replacing Martial Law.

By 2006 there were reportedly 40,000 insurgents in the deep South, 2,000-3,000 of whom were actual armed fighters who staged near-daily attacks.<sup>44</sup> An especially high number were on state schools and teachers, the first clear sign, as noted above, of a move by the insurgents to target civilians in addition to security forces. In June 2006, the NRC released its report, which concluded that security forces had used excessive force at both Krue Se and Tak Bai, and criticized the government's policy of "blacklisting" suspects. In April 2006, Army Commander-in-Chief General Sonthi Boonyaratglin had also criticized the blacklists, and in June echoed the NRC in saying that "the improvement of local security hinge[s] on the ability of the authorities to forge community relations and win over the hearts and minds of residents".<sup>45</sup> Thaksin did not implement the recommendations in the NRC report. On 19 September 2006, General Sonthi led a bloodless *coup d'état*, citing Thaksin's policies and practices in the southern insurgency as one of four justifications.

The military government acted quickly. Martial Law was immediately re-imposed in the South (part of a nationwide imposition), and was thus in force concurrently with the Emergency Decree, affording security forces the power (among others) to detain suspects without charge for seven days under the former law and 30 more under the latter. While this double-layered legal regime was not received well in the deep South, at his first press conference newly-appointed Prime Minister General Surayud Chulanont described the southern violence as having its roots in "historical injustice".<sup>46</sup> In October 2006 he announced the re-establishment of SBPAC and CPM. Soon thereafter he placed overall counter-insurgency efforts under the Internal Security Operations Command (ISOC), initially created in the 1960s to fight the Communist Party of Thailand (CPT), which effectively put an end to the confusion and competition between the military and the police by giving overall power to the former. In November 2006 during a visit to Pattani, Surayud apologized to the people of the South for the heavy-handedness of the security forces, specifically for the Tak Bai incident, and said that charges against 56 protestors still in detention would be dropped. A week later he announced an end to the blacklists, though such did not take effect in practice.

### 3. ESCALATION IN 2007-2008

Surayud's change of tack, however, was met by the insurgents in 2007 with a pronounced surge in attacks—with civilians and others taking no active part in hostilities as priority targets. The official reaction, consistent with the new primacy of the military in both Bangkok and the deep South, was the June launch of a "Battle Plan for the Protection of Southern Lands" and an accompanying dramatic increase in the number of soldiers deployed. Within three months, as many as 20 "sweeps", consisting of overwhelming numbers of security personnel arresting large numbers of people, had taken place in the deep South, with more than 600 persons detained. Also as part of the plan, the government increased the use of "voluntary" four-month occupational training camps in three other provinces, to receive suspects upon their release from detention in exchange for not being charged with violating Martial Law or the Emergency Decree. In a final step in July 2007, ISOC Region 4 issued an order under Martial Law that several hundred persons on a forthcoming list were to be expelled from the area covered by the Emergency Decree for six months.<sup>47</sup>

In addition, the government expanded its village defence militias and increased significantly the number and involvement of the *Thahan Pran*. In October 2007, Army Commander General Anupong Paochinda announced a four-year plan: phase one was to end the violence by 2010 through aggressive military action, phase two was to focus on development and community strengthening through 2011. In December 2007, Prime Minister Surayud reportedly met in Bahrain with the two main insurgency groups, BRN-Coordinate and PULO,<sup>48</sup> follow-up to several rounds of talks reported to have taken place at the end of the previous year.

In February 2008, Interior Minister Chalerm Yubamrung proposed studying special administrative zones in other countries as possible models for the deep South, but was immediately reprimanded by Prime Minister Samak Sundaravej, who had recently come to power in an election ending 15 months of military rule. In March, Chalerm publicly stated that he had "no idea" how to end the conflict.<sup>49</sup> That same month in the South, Yapha Kaseng, an imam, died in the custody of the security forces, sparking a local outcry. In response, General Anupong instructed his soldiers not to injure or kill suspects during interrogations, as such might provide justification for intervention by the UN or the Organization of Islamic States.

In May 2008, the government endorsed a four-year plan by SBPAC to develop an economic zone in the deep South worth 58 billion baht (USD 1.7 billion). In June 2008, it agreed to study the peace process in Aceh, Indonesia, as a model for resolving the conflict in the South, and in September 2008 endorsed talks in Bogor, Indonesia, between a retired Thai general and 15 persons who claimed to represent four southern insurgency groups. After this news reached the media, however, the talks were broken off, and in October, the government dissolved the Peaceful Strategy Committee, established by the National Security Council in 2001 to resolve conflicts in Thailand, including in the deep South.

While violence was notably reduced, by the end of the year, the price paid by people in the deep South for the “Battle Plan for the Protection of Southern Lands” was becoming apparent. In December, a post-mortem inquest into Yapha Kaseng’s death in custody found that he was killed by “blunt force trauma”. Amnesty International concluded research, finding that between March 2007 and May 2008, security forces in the deep South systematically tortured suspects of the insurgency. Also in December 2008, newly-installed Prime Minister Abhisit Vejjajiva delivered his first policy statement to Parliament, proposing to lift the extraordinary legislation in place in the deep South, to empower the civilian-led SBPAC to operate independently of the military-controlled ISOC, and to make solving the enforced disappearance case of Somchai Neelapaijit a priority.

#### 4. NO ABATEMENT IN 2009-2011

In early 2009, despite continued similar public pledges by Abhisit, and the April 2009 passage of a four-year, 63 billion baht (USD 1.86 billion) “Special Development Plan for the Five Southern Border Provinces”, the insurgents began to reassert themselves. After 18 months of “sweeps” by security forces, insurgents began slowly but steadily increasing the number of attacks, particularly against civilians. There were five confirmed beheadings by the end of March 2009 alone. Fuel was thrown on this fire by an April decision to not prosecute any of the security forces involved in the Krue Se Mosque incident in 2004. A month later, impunity deepened with the conclusion by a post-mortem inquest into the Tak Bai incident, that the protestors died of suffocation but that the security forces acted in line with their duties and in a justified manner; based on the ruling, the Public Prosecutor took no action. Then on 8 June 2009, unknown gunmen—widely believed (but not proven) among villagers to be members of the mostly Buddhist *Or Ror Bor*, attacked the Al-Furqan mosque in Narathiwat, killing 10 Muslim worshippers and injuring at least 12.

Also in June 2009, Abhisit carefully aired the idea of a special administrative structure or local governance in the deep South, but backtracked firmly in November. The closest the government came to lifting extraordinary legislation in the deep South came with the replacement of Martial Law with the Internal Security Act in four districts in Songkhla on 1 December 2009.

2009 also saw yet another re-start of talks between the insurgents and the government, via the National Security Council, though reports were inconsistent as to how much official support and participation they enjoyed. The government side reportedly featured an academic heading up a six-person team, including a representative of the army and reporting to a steering committee chaired by the Prime Minister, while seven insurgency leaders from both the deep South and abroad gathered under the Pattani Malay Liberation Movement (PMLM, reportedly formed as an outgrowth of talks between PULO and BRN-Coordinate toward jointly finding a political process through which to potentially engage the government).

In May 2010, insurgency suspect Sulaiman Naesa died in military custody, officially by committing suicide but with allegations of torture attached to the case still dogging the security forces generally. On 10 June 2010, a one-month suspension of hostilities took place in three districts of Narathiwat, including Rangae, focused on in this report. Reports vary as to whether such was unilaterally called and implemented by the PMLM, or agreed to in advance and the districts chosen by the government. Organized attacks were suspended by the insurgents (one did occur), though the targeting of individuals by the insurgents—such as those detailed in this report—were not covered by the suspension. Security forces reportedly limited search and arrest operations in response, but Abhisit reportedly deemed the suspension of hostilities “inconclusive”.<sup>50</sup> In August 2010, all charges were dropped against a former *Thahan Pran* suspect in the Al-Furqan Mosque attack of 2009, again fuelling resentment among the Malay community. In September 2010, the Organization of Islamic States organized simultaneous meetings with insurgency leaders in Saudi Arabia and Malaysia. In December 2010, as a test case for a potential larger-scale relaxation later, the Emergency Decree was lifted in Mae Lan district of Pattani province.

In March 2011, while a redesigned SBPAC reporting directly to the Prime Minister was introduced in the deep South, a Court of Appeals acquitted all five officers in the enforced disappearance case of Somchai Neelapaijit. Also in March, Abhisit confirmed that the dialogue with the insurgents since 2009 was ongoing, though it is unclear what effect the national elections in July—with the ruling Pheu Thai party winning no constituency seats in any of the three southern-most provinces—may have since had on the talks.

## APPENDIX II: COMMENTS IN RESPONSE TO THIS REPORT BY THE THAI MINISTRY OF FOREIGN AFFAIRS

Thailand’s information and clarifications on the draft Amnesty  
International report on the situation in the Southern Border  
Provinces of Thailand

Thailand’s general views and information regarding the recent draft report of Amnesty International (AI) are as follows:

**First, on the claim that the situation in the Southern Border Provinces (SBPs) of Thailand pertains to an internal armed conflict,** Thailand wishes to underline that the situation in the SBPs does not meet the criteria for it to be regarded as an internal armed conflict in accordance with international humanitarian law. First, no single group or organization has claimed responsibility for, or involvement in, the attacks. Moreover, there have never been specific claims on the existence of an organized insurgent group or groups operating against the Government. Secondly, the perpetrators of violence in the SBPs operate in secrecy. There is neither any information indicating the operation of a structured military-like chain of command nor any indication that could reveal the leaders of these groups. Thirdly, there are no areas in the SBPs under the control of the militants or claimed as areas controlled by any groups. As such, the Thai Government categorically denies the claim that *the government had completely lost control of large areas of the South or is unable to assert and exercise lawful control over the relevant parts of the SBPs*. Such a sweeping conclusion is unwarranted and distorts the facts on the ground. Lastly, the attacks of the perpetrators of violence are still limited to certain areas and are still sporadic in nature. Statistics show that many criminal cases of attacks are intertwined with local political conflicts, drug trafficking, oil smuggling or personal rifts which account for 80% of all violence in the SBPs. Therefore, it appears that the perpetrators of violence are criminal elements by nature. The issue of the SBPs remains in the realm of Thailand’s domestic affairs and all criminal elements will be subjected to domestic criminal law.

**Second, on the issue of attacks against 'soft targets'**, since 2004 the level of deaths and injuries of civilians has consistently declined and there has been a significant improvement regarding the number of schools affected. This has been achieved by two main security approaches as follows:

1) the strengthening of security measures with increased investment in forensic science as well as security technology devices which have also helped to detect and prevent potential crimes and bring perpetrators to justice. Special security teams are accorded to teachers, students, monks and civilians; and

2) comprehensive security measures with emphasis on crime deterrence. The comprehensive security measures contain many elements of crime prevention through local community cooperation. Such activities include joint operations amongst the armed forces, the police, local administration and the civilian sector as well as enhancing local solidarity and information sharing amongst relevant stakeholders. Security surveillance has been provided in various community areas 24 hours a day while CCTV systems have been set up to cover as many areas as possible. Accordingly, the number of violent attacks has sharply declined from 2,295 incidents in 2007 to 429 incidents in 2010. As at December 2010, statistics show that the number of violence-free villages in the SBPs has increased to 1,906 villages out of a total of 1,967 villages, accounting for 96.80%. According to the poll conducted by Burapa University in April 2011, 56.68% of the population in the SBPs has increasing confidence in the safety of their lives and properties while 68.32% has increasing trust and confidence in the operations of security officers.

**Third, on the issue of the alleged relocation of the Buddhist population**, the survey of the Southern Border Provinces Administrative Center (SBPAC) has found that the relocation of the Buddhist population in the SBPs has no significant implication on the overall demographic picture of the area. In the SBPs, there are 62,483 Buddhist households, of which 3,541 households have moved out for various reasons while there are 4,195 households moving into the area. The majority of the Buddhist population has chosen to remain in the area due to increasing confidence in the Government's security measures, community empowerment and good relationships and understanding with the Muslim population. According to the poll conducted by Burapa University in April 2011, 76.08 % of the population in the SBPs has increasing confidence in the community strength and peaceful co-existence between Buddhists and Muslims.

**Fourth, on the adverse effects of the violence on the economy in the SBPs**, the Thai Government applies the sustainable development approach of His Majesty the King which is to "Understand, Reach out and Develop". The approach focuses on improving the quality of life by accelerating development efforts, ensuring fairness and justice, as well as setting up mechanisms to make government as efficient and coordinated as possible. In this connection, a Ministerial Committee chaired by the Prime Minister has been set up to devise strategic development policies and measures based on local specificities and a people-centred approach.

The Government has designated the SBPs as a special development area, drawn up and approved a development plan with a supporting budget of 69.3 billion Baht for 2009 – 2012, and involved local communities in decision making and implementing these development projects. According to the poll conducted by Suan Dusit University, 72.20 % of the population in the SBPs is satisfied with the impact of the Government's policy on the SBPs special development zone.

Moreover, the Southern Border Provinces Administrative Act has already been approved by the Parliament since November 2010. Under the Act, the Southern Border Provinces Administrative Centre (SBPAC) has been upgraded to an autonomous agency under the Prime Minister's authority with full mandate to administer the SBPs. Under the new structure of the SBPAC, whereby the representatives of local residents will sit on its strategic committee, the situation of the SBPs is expected to further improve with full civilian control of development and rehabilitation measures with greater accountability and transparency.

In the last two years, the Ministry of Foreign Affairs has led many groups from the diplomatic corps and international media to visit the SBPs and see the situation first hand for themselves. All of them were of the view that the situation on the ground is not as negative as they originally perceived based on secondary information, and that the SBPs are more developed than they thought, with better physical infrastructure and comprehensive economic development projects.

**Fifth, on the issue of adverse effects of the violence on education in the SBPs,** the Plan of Action for the Protection of Teachers in the SBPs has been implemented. This focuses on 3 main protective measures: (1) Individual self protection measures, among others, through building a stronger network between teachers and security personnel, and avoidance of placing oneself in harm's way; (2) Community protection measures including the strengthening of relations among heads of schools, religious teachers, government officials and students through regular dialogue and instilling a sense of ownership of schools in the local community, as well as intelligence sharing to help ensure the safety of the community; and (3) Security protection measures through better coordination and cooperation among security agencies.

A significant decline in attacks against schools has been seen throughout 2010. The number of schools affected markedly dropped by 96.99 %. The decline in attacks is largely due to the same reasons as the decline in incidents affecting children and teachers. More effective security and the increase in trust and confidence of the local population have been the highlights of 2010. The few affected schools have also been repaired swiftly to assure students' right to education.

In 2010, Thailand has continued to promote education and employment opportunities for children and youth in the SBPs as well as undertaken various social development projects. The Ministry of Education has strengthened its efforts in implementing the Educational Development Plan in the SBPs covering the

period 2009- 2012.<sup>1</sup> Five thousand annual scholarships have been provided to students in the SBPs in mainstream subjects, vocational studies and religious studies both in Thailand and abroad. As a result of this education policy, in 2010 there has been a significant increase in those students continuing their studies at secondary school level.

As many schools in the SBPs are private schools which tend to focus on Islamic teachings, therefore, the Royal Thai Government has strengthened its cooperation and support for these private schools with a view to enhance education quality and promote integration of the general curriculum. Efforts to ensure that teachings about religion are not manipulated to instigate intolerance and violence have been continuously carried out. Due to the Government's proactive educational and developmental policies which focus on keeping children in schools with quality instruction so that they would not be led astray, there is no verified information which confirms the recruitment of children by perpetrators of violence.

**Sixth, on the issue of human rights violations conducted by the state authorities,** respect for human rights and justice is also among the top policies to address the issue of the SBPs in a comprehensive manner. To effectively implement human rights policies, security personnel at every level have now been made fully aware of the importance of human rights with regard to security operations, including search operations. Human rights training has also been systematically conducted amongst officers on the ground. This includes distribution of human rights soldier's cards and manuals to all security personnel. Female rangers have begun to be recruited since 2010 in order to handle gender sensitive situations and undertake social activities which promote youth development and female empowerment.

With regard to justice, the Master Plan for the Administration of Justice (2009-2012) and the Strategic Plan for Development of Justice Process in the Southern Border Provinces of Thailand (2010-2014) have been approved by the Cabinet. This has been reinforced by various mechanisms set up by the SBPAC to promote good governance and accountability. These include a Justice Centre, a channel through which the public can file complaints about the misconduct of Government officials; a 24-hour hotline service to receive all complaints from the public; and Civil Justice Centres (Keadilan Centres) operated by community and religious leaders. Public relations campaigns have been carried out throughout the area to enhance public awareness on their access to justice and on their rights. Various people organizations at the community level have been established in more than 326 *tambons* as venues to encourage dialogue between officials and people particularly in airing complaints.

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<sup>1</sup> The Plan primary focuses on improving educational standards, developing religious teachers, instilling a sense of national solidarity and multiculturalism, and promoting vocational training to achieve better job placements.

With regard to the allegations of the systematic use of torture, the Government strongly opposes and does not condone any human rights violations, particularly those that constitute the use of torture and enforced disappearances. The Constitution clearly prohibits torture and brutal acts. Any cases of alleged wrongdoing by state authorities have been, and will be, fully investigated without exception and criminal prosecution undertaken, provided that such allegations are supported by reasonable grounds and by sufficient evidence for the prosecution in accordance with the rule of law. All pending cases are still in due process of justice.

**Seventh, on the issue of the enforcement of the special security laws in the SBPs,** those special laws, namely the Emergency Decree, the Internal Security Act and the Martial Law are in force in the SBPs to help facilitate law enforcement and security operations. Although these laws allow the authorities to invite suspects for interviews and hold them for a maximum 37 days, none of these laws allows arbitrary arrest by the competent authorities or indefinite periods of detention of suspects without trial, and their use is not a substitute for due process under normal criminal law. Meanwhile, the extension of the Emergency Decree must be approved by the Cabinet every 3 months.

The gradual discontinuation of special security laws is one of the Government's security policies in the SBPs. This has been demonstrated by the fact that on 4 May 2010, martial law has been lifted in 4 districts of Songkhla and replaced by the less restrictive Internal Security Act as a pilot measure on 26 November 2009. On 28 December 2010, the Cabinet decided to lift the state of emergency in Pattani's Mae Lan District. It is the fifth district in the SBPs for which the Emergency Decree has been revoked due to the improvement of the security situation in the area. There has also been a gradual decrease in ISOC personnel in the SBPs from 66,607 personnel in 2009 to 65,488 in 2010 and 64,272 in 2011. Of the 64,272 personnel, only 23,704 are soldiers and 16,918 are policemen in operative roles (63% of all personnel). The other 37% or 23,650 personnel are civilians or security personnel who are assigned to administrative, logistical and development tasks.

Both the Emergency Decree and Martial Law provide options for charges to be brought against officials if a detainee's right is found to be abused during custody. In case he or she can be charged with a clear offence, he or she will be tried under the Criminal Procedure Code. If a suspect is a child, he or she will be tried under the Act for the Establishment of and Procedure for Juvenile and Family Court B.E. 2534 (1991). Nevertheless, in practice, when suspects under 18 are questioned, they will be sent directly to regular penal institutions and their cases will be proceeded under restorative justice or/and the Act for the Establishment of and Procedure for Juvenile and Family Court B.E. 2534 (1991) as alternative problem-solving approaches. As such, since 2009 there have been no child suspects in these interviewing centres.

**Eighth, on the issue of the use of proliferation of small arms,** there exist laws and regulations governing the use of firearms by civilians and *Chor Ror Bor*. The Act on Firearms, Bullets, Explosive Objects, Fireworks and Fake Firearms B.E. 2490 (1947) clearly prohibits the carry and purchase of firearms without a permit issued by a competent authority. Before a permit is granted to each individual, there is a thorough vetting process of an applicant regardless of whether they are government officers or ordinary citizens. The Act also carries heavy charges including life imprisonment for those who carry out offences against the Act. It is true that permits to carry small arms granted to state officers are more obtainable than to civilians. But this is precisely aimed to restrict the proliferation of arms amongst civilian populations.

The Regulation of the Ministry of Interior on the Distribution of Firearms on to Village Defence Volunteer B.E. 2524 (1981) regulates the use of firearms and records the number of firearms distributed to each village and identifies a *Chor Ror Bor* who is permitted to carry a firearm. Upon completion of their tasks each evening, every *Chor Ror Bor* has to return their small arms to the competent authorities. Upon request from the Department of Provincial Administration, training on the use of firearms will be undertaken by the Royal Thai Army. Other than this training, there is no form of association with military personnel. The training includes basic use of firearms for the sole purpose of self-defense and not for offensive action, as well as basic knowledge in undertaking their duties and maintaining checkpoints, upholding basic laws and human rights laws and the principle of peaceful co-existence.

**Ninth, on the allegations of the "blacklists" of suspects,** at present, no such lists are being compiled by the law enforcement officials in Thailand. The only existing lists are more of the watch-list similar to what every country in the world also keeps for similar national security concerns.

**Tenth, on the issue of financial remedy,** a special sub-committee with the participation of representatives of civil society is specifically tasked to undertake the provision of financial assistance in a totally transparent and accessible manner for affected victims and their families in accordance with the Cabinet guideline regarding this matter. To facilitate speedy financial support for individuals affected by violence, the Internal Security Operations Command (ISOC) has set up a specific task force to coordinate, facilitate and follow up on the provision of assistance for affected people in a timely manner, regardless of their religion. To date, all affected persons, both Muslims and Buddhists, have received their total entitled sum of financial support and other assistance in a continuous manner.

On a last note, Thailand values its cooperation with civil society organizations based on the principles of constructive engagement, objectivity, mutual interest and transparency. The Thai authorities concerned will seriously consider redressing those issues raised in this draft report of Amnesty International that best fit the

circumstances in the Southern Border Provinces. Indeed, the commitment to ensure further progress on these issues should be recognized, for all are committed to the common goal which is to bring safety and stability to the area.

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Department of International Organizations,  
Ministry of Foreign Affairs,  
August 2011

## ENDNOTES

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<sup>1</sup> See Deep South Watch, "Conflict and Peace Initiatives in Southern Thailand", Powerpoint, June 2011, (Deep South Watch, June 2001).

<sup>2</sup> See Ministry of Justice, <http://www.prachatai.com/journal/2011/01/32523>, 1 April 2011 (Ministry of Justice, April 2011). Last accessed 5 September 2011.

<sup>3</sup> See Deep South Watch, June 2001, Supra No 1.

<sup>4</sup> See Deep South Watch, June 2001, Supra No 1.

<sup>5</sup> Among these prohibited acts is "violence to life and person, in particular murder of all kinds".

<sup>6</sup> The International Committee of the Red Cross (Jean-Marie Henckaerts and Louise Doswald-Beck, eds.), *Customary International Humanitarian Law, Vol. 1: Rule 2*, Cambridge University Press, 2005, pp8-11. This prohibition reflects a more general principle of international humanitarian law, known as the principle of distinction, which prohibits targeting civilians and civilian objects (in international armed conflicts) or persons taking no active part in hostilities (in non-international armed conflicts) for attack in any circumstances, and which is similarly binding on all sides to all conflicts as a rule of customary international law. Intentionally directing attacks against civilians and violence to the life of those not directly involved in hostilities are war crimes. (See for instance, Rome Statue of the International Criminal Court, adopted on 17 July 1998 (A/CONF.183/9), entered into force 1 July 2002 (as corrected), Articles 8(2)(e) and 8(2)(c)(i)).

<sup>7</sup> See Janchitfah, Supara, "Bonds of loyalty under strain", The Bangkok Post, Spectrum supplement, 26 June 2011, (The Bangkok Post, "Bonds of loyalty under strain").

<sup>8</sup> See The Nation, "Authorities put militant numbers at 9,400", editorial, 11 June 2010. The Southern Border Provinces Administrative Centre, citing Thai intelligence reports, said that there were 1,529 leaders, 2,708 operatives, and 5,180 supporters.

<sup>9</sup> See Deep South Watch, June 2011, Supra No 1.

<sup>10</sup> See Appendix II, response by the Royal Thai Government: "Accordingly, the number of violent attacks has sharply declined from 2,295 incidents in 2007 to 429 incidents in 2010." Amnesty International found that while the number of attacks has declined, the number of casualties has not.

<sup>11</sup> According to one analyst, in 2005-2007 Thailand's insurgency was "second only to those in Iraq and Afghanistan" in intensity. See Kilcullen, David, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One*, Oxford University Press, 2009, (Kilcullen, *The Accidental Guerilla*), p212.

<sup>12</sup> International Crisis Group, *Southern Thailand: The Impact of the Coup*, Asia Report No. 129, 15 March 2007, p7.

<sup>13</sup> See International Crisis Group, *Recruiting Militants in Southern Thailand*, Asia Report No. 170, 22 June 2009, p18.

<sup>14</sup> Pathan, Don, "Can the old guard get peace talks going in the South?", The Nation, 6 April 2011.

<sup>15</sup> The Bangkok Post, "Chilling fact in the South", editorial, 14 June 2011.

<sup>16</sup> See Chanlett-Avery, Emma, “Thailand: Background and US Relations”, Congressional Research Division, 8 February 2011, p8.

<sup>17</sup> See Appendix II Response by the Royal Thai Government: “In the SBPs, there are 62,483 Buddhist households, of which 3,541 households have moved out for various reasons while there are 4,195 households moving into the area.” This is in contrast to what Amnesty International was told; moreover, it does not seem to account for unofficial relocations.

<sup>18</sup> Most dual citizenship is obtained illegally through one or more of three ways, according to a southern ethnic Malay interviewed by Amnesty International: 1) For Thais under 15, the age at which Malaysian national identity cards are issued, assuming the identity of a similarly young deceased Malaysian, and obtaining the card/proof of citizenship in his/her stead; 2) During Malaysian elections, taking advantage of certain political parties’ offers to trade identity cards/citizenship for votes; 3) Buying an identity card/citizenship from a Malaysian agent. Dual citizenship can also be obtained legally through a Malaysian spouse and/or children, followed by additional requirements and procedures.

<sup>19</sup> See Boonchote, Wichayant, “Southern influx hits Hat Yai”, The Bangkok Post, 13 June 2011.

<sup>20</sup> See Marukatat, Saritdet, “Fed up with insecurity”, The Bangkok Post, 15 August 2011.

<sup>21</sup> See Human Rights Watch, “*Targets of Both Sides: Violence against Students, Teachers, and Schools in Thailand’s Southern Border Provinces*”, September 2010, p10.

<sup>22</sup> Each of Thailand’s 78 provinces is divided into a varying number of districts, subdistricts, and villages.

<sup>23</sup> See Rand, Nelson, “The Thai Army and Counter-insurgency: Not Always Popular, But Not Always Wrong”, presented to the Conference on Southern Thailand: Anatomy of an Insurgency, 2004-2009, Institute of Southeast Asian Studies, Singapore, March 2009, (Rand, “The Thai Army and Counter-Insurgency”).

<sup>24</sup> See Rand, “The Thai Army and Counter-insurgency”, p17, *Supra* No 23.

<sup>25</sup> Kilcullen, *The Accidental Guerrilla*, p214, *Supra* No 11.

<sup>26</sup> As 30 THB is roughly equal to one USD, one billion THB is roughly USD 33,361,581.

<sup>27</sup> See Martial Law Order, B.E. 2457 (27 August 1914); the Executive Decree on Public Administration in Emergency Situations, B.E. 2548 (16 July 2005); and the Internal Security Act, B.E. 2151 (28 February 2008).

<sup>28</sup> Interview with a southern ethnic Malay Muslim, 10 July 2011.

<sup>29</sup> See International Crisis Group, *Stalemate in Southern Thailand*, Asia Update Briefing No. 113, 3 November 2010, (ICG, *Stalemate in Southern Thailand*), which notes that there are about 30,000 “troops” in the deep South, among them about 9,000 paramilitary rangers (*Thahan Pran*) (p3). Note that Thailand’s Border Patrol Police and Royal Thai Navy also have a presence there and play minor counter-insurgency roles.

<sup>30</sup> See Appendix I for further details.

<sup>31</sup> See Amnesty International, *Thailand: Torture in the southern counter-insurgency*, (Index: ASA 39/001/2009), January 2009.

<sup>32</sup> Ministry of Justice, April 2011, Supra No 2.

<sup>33</sup> International Convention on the Elimination of All Forms of Racial Discrimination (1969), Article 5(b).

<sup>34</sup> Between late 2004 through 2006, Thai military intelligence designated areas in the relevant provinces as colour-coded zones, red for highly dangerous and green for those in which either the insurgency was not strong or the security forces had succeeded in significantly lowering the violence. Despite the fact that these designations are no longer made, as late as August 2008 there were reportedly 220 Red Zones, and people still refer to them as such.

<sup>35</sup> Provincial Islamic Councils advise the Provincial Governor on Islamic affairs. They can intervene to resolve religious disputes and can issue halal food certificates. Elections for the Councils are reportedly competitive and sometimes see the involvement of national political parties and even the military. (See Dubus, Arnaud, and Polkla, Sor Rattanamanee, *Policies of the Thai State Toward the Malay Muslim South, 1978-2011*, p7).

<sup>36</sup> There are also chairs of subdistrict association organizations who are elected by and responsible only to their constituents, although their functions run parallel to those of the headmen.

<sup>37</sup> See The Bangkok Post, "Bonds of loyalty under strain", Supra No 7.

<sup>38</sup> See International Crisis Group, *Southern Thailand: Insurgency, Not Jihad*, Asia Update Briefing No. 98, 18 May 2005, (ICG, *Insurgency, Not Jihad*), p6.

<sup>39</sup> The first organized group of non-communist armed insurgents in the deep South was actually the National Patani Liberation Front (*Barisan Nasional Pembebasan Patani*, BNPP), which was formed in 1959 and achieved its peak strength of 200-300 men in the 1980s. It sought complete independence for the deep South, and like BRN and PULO, fractured in the late 1970s and early 1980s.

<sup>40</sup> ICG, *Insurgency, Not Jihad*, pp6-9, Supra No 38.

<sup>41</sup> BRN split into three factions: BRN-*Ulama*, which renounced violence to focus on religious activities; BRN-Congress, which focused almost exclusively on military operations; and BRN-Coordinate, which engaged in both political activities and urban sabotage. PULO began to focus on large attacks either targeting civilians or using indiscriminate methods of violence, while in contrast, New PULO concentrated on low-level attacks against exclusively military targets. In 1997, however, PULO and New PULO formed a tactical alliance known as Unity (*Bersatu*), and after being reportedly joined by BRN-Coordinate undertook a campaign targeting state officials. See ICG, *Insurgency, Not Jihad*, pp9-16, Supra No 38.

<sup>42</sup> See Davis, Anthony, "Ethnic Divide Widens in Thailand", *Jane's Terrorism & Security Monitor*, 17 November 2004.

<sup>43</sup> Fourth Army Region Commander General Kittti Rattanachaya claimed in 2003 that no fewer than 20,000 insurgents were operating in the deep South with some level of co-ordination among them. See Askew, Marc, "Fighting with Ghosts: Confronting Thailand's Enigmatic 'Southern Fire'—Violence, Policies, and the Politics of Representation", March 2009, (Askew, "Fighting with Ghosts"), presented to the conference on Southern Thailand: Anatomy of an Insurgency, 2004-2009, Institute of Southeast Asian Studies, Singapore, 10-11 March 2009, p8.

<sup>44</sup> See Askew, "Fighting with Ghosts", p9, Supra No 43.

<sup>45</sup> Issara News, "Army chief backs NRC's plans", 10 June 2006.

<sup>46</sup> The Nation, “Government reaches out to the South”, 1 October 2006.

<sup>47</sup> Both the camps and the expulsion order were intended to prevent persons from assisting the insurgency, but a court subsequently found the former to be unlawful unless truly voluntary, while the latter was rescinded in November 2007 in response to pressure from civil society and the international community.

<sup>48</sup> See Davis, Tony, “Thai peace talks come to light”, Asia Times Online, 5 April 2011.

<sup>49</sup> See Non-Violence International, “Charged! Updates from Southern Thailand”, newsletter, March/April 2008.

<sup>50</sup> See ICG, *Stalemate in Southern Thailand*, p7, Supra No 29.

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