

Questions, not dismay, over Tak Bai findings

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It took five years for a court in Songkhla, southern Thailand, to hold an inquest into the deaths of 78 men after they were detained along with over 1,000 others outside the Tak Bai police station in October 2004. But for all the time spent and witnesses heard, the findings handed down on May 29 obscured as much as they revealed.

By law, the inquest was supposed to identify who died, where, when, how, why and thanks to whom. The judges omitted most of what the court was told about the how and why, and failed to name any specific responsible persons in their closing remarks.

They also tried to excuse those involved by pointing out that they had been performing their duties under difficult circumstances, even though this is a matter for a trial court to consider, not one for a post mortem inquiry.

While the court failed to do the minimum expected of it under law, it could not deny that the 78 men had all suffocated to death in trucks en route to an army camp. That the men were stacked onto one another like pigs being taken to slaughter slipped from the narrative, but that they were in military custody and died of unnatural causes is now on the judicial record.

The Asian Human Rights Commission on Thursday sent an open letter to the attorney general of Thailand pointing out that those facts alone are enough for the case to go to trial. But as the commission observed, the prosecutor has a track record of letting soldiers and police get away with murder.

The inquiry into how 19 men were gunned down at Sabayoi also in 2004 similarly excluded many critical facts from its findings and absolved police and paramilitaries of blame, even if it seemed that most of the victims had been shot in the back. The prosecutor has done nothing further.

And in the Krue Se case, where the inquest clearly identified three army officers as responsible for the shooting murders of 28 young men, the prosecutor has also declined to act.

The granting of impunity to military and police officers for all types of crimes large and small is an established feature of state practice in Thailand, irrespective of who is in power and what noises they make about the rule of law and human rights.

The current government, like its predecessors, has been feigning concern for justice, mostly in cases that occurred under the watch of its nemesis, the ousted former Prime Minister Thaksin Shinawatra.

But despite the scale of the Tak Bai killings and notoriety of the case, the incumbent premier hasn't lifted a finger for the victims. He isn't going to either. The perpetrators are his army buddies, and the general who watched his men pile hundreds of people on top of one another is close to some of the officers responsible for the 2006 coup.

All this could be cause for discouragement. Instead, those of us concerned with human rights in Thailand should take the Tak Bai findings as a chance to further explore and critique the failings of the country's policing, prosecutorial and judicial agencies.

Thailand's police and security forces – or people working for them – routinely commit murder. Most cases get run through shoddy inquests like this that close without further inquiries or the arrest and imprisonment of the offenders, but also without widespread outside interest.

In this respect, Tak Bai presents a special opportunity to go deeply into the endemic problems of a criminal justice system geared toward impunity rather than accountability. By taking the inquest findings as a cause for questioning rather than dismay, not only can the case be kept alive and the memory of the victims strong, but it can also be made relevant to the hundreds, perhaps thousands of other isolated cases like it that pass unnoticed in Thailand every year.

P.S.

From Rule of Lords