

A Military Out of Control

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The Rohingyas aren't the Thai military's only problem

While Thailand's military has come under fire in the last few weeks for the navy's treatment of Bangladeshi and Burmese Rohingya Muslims, the fact is that the country's security forces operate with impunity and there appears little chance that a wide array of gross human rights violations will stop until the government prosecutes those responsible.

To date, no Thai official has ever been sent down for such activities, despite the deaths of thousands in the south of the country particularly, and some experts doubt the state's ability to reign in its agents on the ground, which they see as a law unto itself. Last week, Amnesty International published a damning report accusing Thai security forces of carrying out the "widespread, systematic torture" of detainees, amidst a "culture of impunity," in the country's conflict-torn southern border provinces of Pattani, Narathiwat, Yala and Songkhla.

On Wednesday, the Working Group on Justice for Peace (WGJP), an NGO, said human rights defenders are "specifically targeted" by the police and military. *"Assassinations, forced disappearances, assaults, threats, and being identified as insurgents or enemies of the state are part of their day-to-day reality and unacceptable in any context."*

Also, the latest Human Rights Watch World Report for 2009 severely criticizes the Thai military, saying that *"Although the government and General Anupong (Poachinda, commander in chief of the Thai army) vowed to deliver justice to the ethnic Malay Muslim population, Thai security forces still faced little or no consequences for extrajudicial killings, torture, and arbitrary arrests of suspected insurgents. After a sharp decline in 2007, new cases of enforced disappearances emerged again in 2008."*

Thailand's latest human rights scandal is its navy's treatment of the Rohingya -destitute boat people who were allegedly detained, beaten, then cast out to sea in unpowered boats with insufficient food and water in December. Several hundred of the more than 1,000-strong group are still missing.

Senior army officials said the Rohingyas were a potential security threat because, as Muslims, they might have been intending to join the southern insurgency.

Certainly, Thailand clearly faces serious internal security threats. Since 2004, there has been a marked surge in violence from Islamic militias, driven by separatist and religious ideologies, who are fighting a low-intensity conflict in Thailand's Deep South.

Around 45 percent of Thailand's military forces are deployed in the region, where more than 3,500 people have been killed in the past six years - the vast majority at the hands of the insurgents. Shootings, bombings, arson and beheadings have become a daily reality. But none of the nebulous insurgent groups has ever claimed responsibilities for the attacks and killings.

The region's population is predominantly ethnic Malay and Muslim, and rebellion has been commonplace, due to entrenched issues of disenfranchisement, ever since the Buddhist kingdom

annexed the former Sultanate of Patani in 1909.

But linking the Rohingyas with the insurgency is pure fallacy, says Dr Bichit Rattakul, a prominent human rights expert.

"It's very dangerous when law enforcers say the Rohingyas are a threat to Thailand's security just because they are Muslims and are travelling to Thailand's south," he says. "It is an ignorance of the origins of the Rohingya's problems and there is this misconception in linking ethnicity and religion, where the two concepts are totally different."

While the cases outlined in the reports and the plight of the Rohingyas are not directly linked, they share continuity in terms of their treatment by the military.

"There's a clear connection with the security forces' activities in the south and the Rohingya's case," says an international legal analyst. "Look at the footage of how they were treated. The men were lying face down in the dirt with their hands bound behind their back in the blazing sun. This is a direct parallel of the treatment of Muslim men at Tak Bai in 2004 before they were loaded onto the army trucks where they suffocated," he says.

"It all gives a general flavour of what the Thai military is actually about, especially in Thailand's border regions, it is a law unto itself," he says. "As long as they're not dealing with ethnic Buddhist Thais, then their practices are some of the worst in the world."

Behind Thailand's much-coveted Land of Smiles facade lies a dark history of violent repression. Its military ran anti-communist death squads in the 1970s, and thousands of suspected communists were burnt alive in oil drums in the "Red Barrel" killings, in Pattalung in 1972; security forces and militias massacred pro-democracy demonstrators in 1973, 1976, and 1992; former-Prime Minister Thaksin Shinawatra's 2003 War on Drugs resulted in more than 2,700 extrajudicial killings; and in 2004, the army killed 32 insurgents at Khru Se mosque, another 78 Muslim demonstrators from Tak Bai died at its hands while being transported in trucks; and in the same year Somchai Neelaphaijit, a human rights lawyer defending suspected Muslim insurgents, was abducted and presumed murdered by security forces.

Despite this laundry list of abuse, Amnesty International and other human rights NGOs know of no cases where state officials have been prosecuted for torture or human rights violations.

As a signatory to at least seven global agreements to uphold international human rights law in the country - most notably the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified in 2007 - Thailand is legally required to prevent torture and prosecute perpetrators.

Yet Amnesty International's report "Thailand: Torture in the southern counter-insurgency" identifies 34 cases of torture - including four where detainees died in custody - carried out between March 2007 and May 2008. The victims' ages range from six-to-46 years, all but one male.

It also identifies 21 unofficial detention sites outside of the two official facilities designated for suspected insurgents in the south. The most common torture techniques were beatings, electrocution and, "hooding" or simulated suffocation.

However, the report gives the government a "golden opportunity" to act on its findings to prevent torture, says its author Benjamin Zawacki. *"All these cases [in our report] took place under previous governments," he says. "A new government is in power now and they can take things further by prosecuting those responsible."*

Prime Minister Abhisit Vejjajiva denies the allegations of systematic torture, saying Thailand is committed to upholding human rights law, and has pledged that violators will be prosecuted. "Cold cases" including Somchai Neelaphaijit's, will be re-examined, he said.

As proof of its commitment the government cites the verdict on the death of Imam Yapa Kaseng. Last December, the Narathiwat court inquiry ruled the army tortured and killed the 56-year old Imam last March, in what Human Rights Watch called "a brave and unprecedented verdict".

Human rights activists speaking to Asia Sentinel say this is a watershed verdict, but they want to see prosecutions, not lip service. Many are pessimistic of any real change in the treatment of torturers. Plus their sources say the case is bound for the military courts, where the trial is likely take to place behind close doors and will not result in the appropriate punishment of offenders.

Enthusiasm was dampened further by the government's refusal to grant relevant UN agencies access to the 126 Rohingyas thought to still be detained in the country. But these men have now been "escorted" out to sea, according to local media, which quoted Ministry of Foreign Affairs spokesman Thani Thonpakdi, on Friday.

While Abhisit needs to be given time to see if he can affect change, but for now Thailand is operating business as usual.

"Thailand has a track record of trying to appease international opinion but of never actually delivering justice," says an international legal analyst. *"This shows a combination of a lack of political will, the persistent inability to change the culture of the military and the police, and an inability to break up the fiefdoms and walls of silence in the police and military."*

Breaking down these walls in an effort to prevent torture will be an even more difficult task for Abhisit, as the army was essential in bringing his Democrat Party to power last year through its backing of the anti-government People's Alliance for Democracy.

Even if he has the political will to do it a move against the military is unlikely to bear fruit. Powerful connections in the military run deep, as taking a closer look at one of the senior officers implicated in the Rohingya's case demonstrates, Azwar Thi points out on UPIAsia.com.

Colonel Manas Kongpan, a senior officer in the Internal Security Operations Command (ISOC), responsible for the south, was pictured alongside one of the groups of Rohingya detainees and is handling the situation for the military.

In 2006 a court found him and two other officers, responsible for the deaths of 28 Muslims at Khru Se Mosque in 2004. His superior officer General Pallop Pinmanee, one of the co-accused, previously ran the anti-communist death squads. He was accused of trying to assassinate the ousted prime minister Thaksin in 2006, was close to the coup later that year, and was also a key player in the PAD.

According to Thi, such groups heavily influence Thailand's political landscape.

Moreover, while senior politicians and military top brass take a firm stance on the need to uphold human rights, for moral or pragmatic purposes, their agents on the ground often have a different perspective.

"They are the ones who are in the field at threat, and of course their fear makes them use more drastic measures," says a WGJP activist. *"What we see is that there is no real chain of command within the military and all its sub-groups, every commander is basically doing what they want."*

"A lot of it has to do with the way the military budget is allocated. Each unit [in the south] has to bring in certain amounts of insurgents and they will get a budget based on their success rate. So it's both performance-related, and related to who you are, and who you know, within the army's structure."

How the government's recently announced Bt9 billion (US\$257 million) special budget for tackling the southern insurgency will help solve these issues is a matter of debate. The bigger question remains whether Abhisit's administration can rebel against its kingmakers and return the rule of law to Thailand.

P.S.

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