

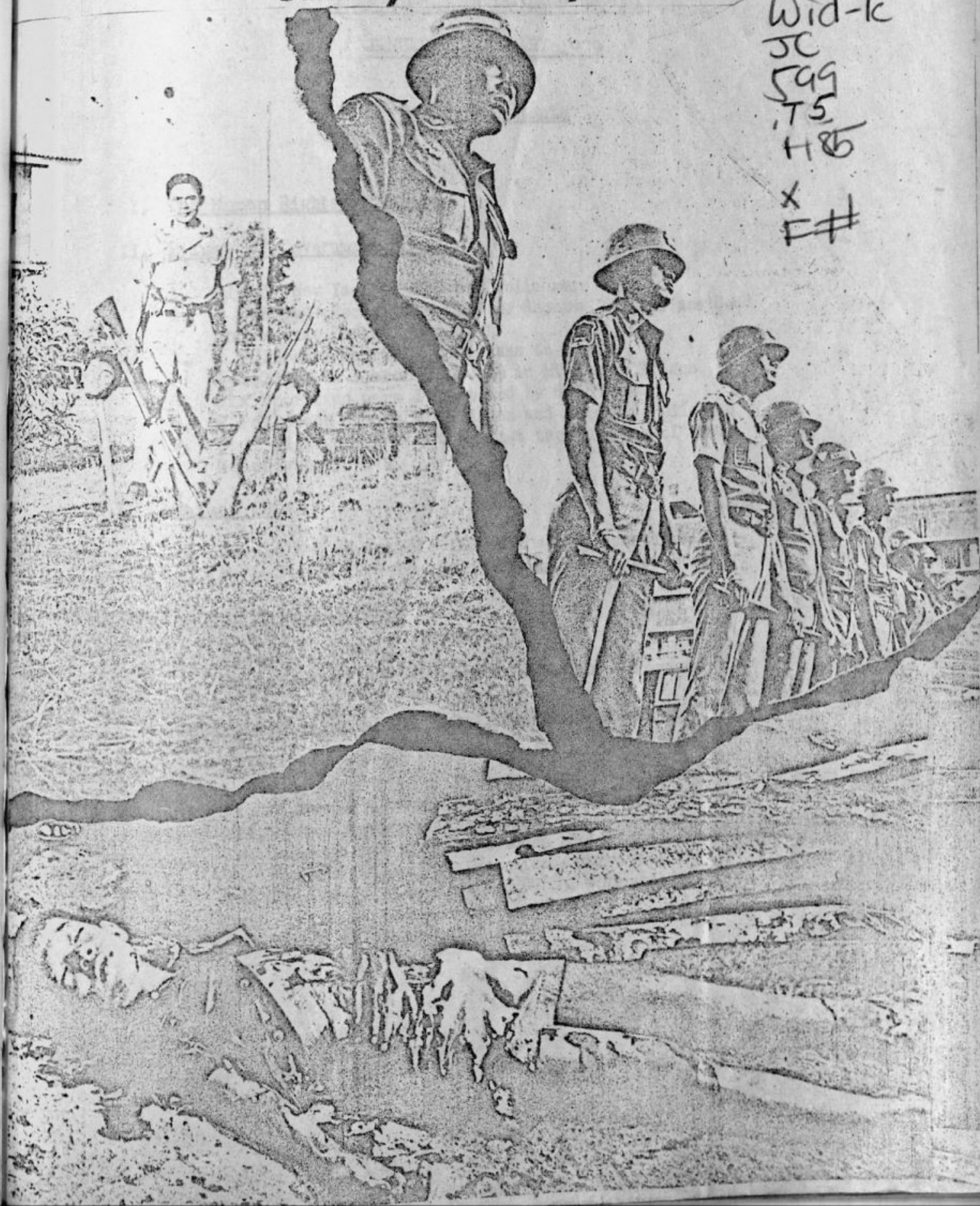
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# HUMAN RIGHTS IN THAILAND REPORT

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# HUMAN RIGHTS IN THAILAND REPORT

JANUARY - FEBRUARY 1979

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## I. The Human Rights Situation

The past two months have been very deceptive, because on the one hand on the surface the government has created an image of opening up the political situation in preparation for the elections on April 22nd; but on the other hand there appears to be a quiet tightening of the screws of repression in many important areas.

Despite the continued existence of martial law political gatherings have been reallowed. As is customary in Thailand so many political parties have been formed (most of which have no clear cut policy) that the elections are as likely to be as farcicle as most elections in the past. The present situation is even stranger than usual, as all these parties are spending vast sums of money on trying to become elected to an assembly that will have very little power. This is because of the provisions of the new constitution state that the PM. does not have to come from elected representatives, and allows the appointed senators (if they remain a block) to be able to control the assembly proceedings. In fact the new constitution is seen by many as so undemocratic, that they refuse to participate in the farce of the election. Even the speaker of the 1976 National Assembly, Uthai Pimchaichon, along with 100 past politicians have decided to boycott the election because the constitution is so designed that MP's "could not effectively oppose the powers that be".

Nevertheless democracy Thai style is well underway, with soldiers (such as General Serm Na Nakorn and General Yos Thephasadin) rumoured to be financing politicians (from any party!) who have a chance of election; with progressive politicians, such as the ex New Force MP. for Phuket being murdered; and with other politicians with support in certain parts of the country, selling themselves to the highest bidder (or two!).

For a while it appeared that even these half elections would not take place. The PM. floated the suggestion that elections might be postponed because of the Vietnamese invasion of Kampuchea. This uncertainty started off on 15/1/78, but by the 23/1/79 the PM. was forced to accept that the elections would occur on schedule.

The daily multiplication of political parties, including a new united socialist party terrified of its leftist mage; combined with political meetings and disclosures of "what really happened on 6th October 1976" (and the fighting amongst Thailand's communist neighbours); has so dominated the media, that a very serious deterioration in the overall human rights situation has taken place with very little protest.

Most serious of all the setbacks for those who believe in Justice and human rights was the passing of the new communist suppression act by the National Assembly on 1/2/79. The revised suppression act, which applies to the whole country, basically removes the protection of the law from anyone officials suspect of being a communist or communist sympathiser. In the interests of national security there can be long periods of detention without trial, searches without warrant, censorship of printed materials without explanation, banning of meetings and the sale of essential commodities at the whim of an officials, etc. etc.; all without the opportunity of seeking compensation for unjust treatment. The new act allows the excesses that in the past only took place in sensitive areas, now to be carried out in every corner of the country.

## II. Misuse of Government Power

### 1. Bloody New Year of BPP and policemen

Late at night on 1/1/79, while the people of Saraburi province were celebrating new year in front of the Provincial Headquarters the Sound of gunfire created panic amongst the thousands of people at the fair. Four policemen were found severely injured after the gunfire had died down and the panic subsided.

Before the explosion, about 10 completely drunken men, led by Border Patrol Policeman Mongkol Sitong-on, had danced and sang loudly near the dancing floor. Four policemen who were on peace keeping duties told them to stop, and tried to take the BPP to the police station. One man in the BPP group started shooting, which led to an exchange of fire in the middle of the crowd of people. The 4 policemen, and 2 men from the BPP group were severely injured. Fortunately no citizens were harmed.

No charges have been lodged on the BPP policemen who started the fight.

### 2. A Corrupt Recruiting Officer Shoots 2 Civilians Dead and Wounds Their 2 Children

A corrupt recruiting officer Sgt. Sombat Promlau who was angry that his corruption and receiving bribes for non-recruitment of people conscripted into the army was exposed by a caretaker of the Kalasin Provincial HQ's, shot the caretaker Sa-nga Somchit (32) dead in his house on 5/1/79. He also shot dead the caretaker's wife, Sutin, who witnessed the incident.

Seeing their parents being shot dead in front of them, Lek (3) and On (7) cried loudly. Sgt. Sombat then shot at the two girls and fled. The two girls were both severely wounded in their legs but survived.

We are still not clear what has happened to the murderer.

### 3. A Policeman Shoots 2 Civilians to Death

Two civilians, Mr. Thong-in Wilairat and Mr. Arom Charoen-ying were shot dead by a policeman and his two accomplices in a restaurant in Banbung district, Choburi province. Before being shot dead, Arom had asked Somwang, a well-known gunman and a land agent, to sell a piece of land for him. Somwang finally managed to sell Arom's land at 400,000 Baht (\$20,000) but never gave the money to Arom.

On 28/12/78 Arom 'invited' Somwang to have lunch and talk with him. The gunman came with a policeman and another gunman. The discussion about the unpaid money turned into an angry quarrell. Finally the policeman and the two gunmen shot Arom and his friend Thong-in to death, and fled.

Up to now no action seems to have been taken against the murderers.



4. A Soldier is Beaten to Death in Military Prison

On 23/1/79 Pvt. Thongsa Boonjarak (22) was sent from a prison in Suranari Military Camp to a hospital in that same camp. The hospital was informed that Pvt. Thongsa had fallen on the ground and had a headache. Five days later Thongsa died in the hospital.

After an autopsy the doctors believed that the death did not result from "normal causes". They believed that Thongsa had been beaten by a hard object until his skull had been broken.

The police have asked the military camp authorities to investigate the death of Thongsa.

5. Six Sportsmen Were Threatened by Soldiers

On 22/1/79 during the traditional "regional games" (which this year took place in Ubolrajthani province) whilst a group of 6 cyclists from the southern province of Nakornsri Thammarat were eating in a restaurant in the town, 5 armed and drunken soldiers who were sitting at the next table began scolding them. Knowing that the cyclists were from a sensitive province, the soldiers accused them of being communists and of being unreliable. The sportsmen just kept silent. One soldier pushed his M. 16 in the belly of each cyclist..

To avoid further trouble, the Sportsmen left the restaurant and went back to their residence in a school. The soldiers followed them to the school and began scolding them again. They also started shooting their M. 16's in the air.

The team coach called the provincial governor who ordered the police to arrest the soldiers. However, only 3 were arrested whilst the other 2 managed to flee.

6. A Policeman Shoots a Civilian and Another Policeman

On 5/1/79 while Mr. Wichai Chanchaem (25) was driving to his work in Bangkok, a policeman Nit Suksung-nuen drove his motorcycle cutting in front of Mr. Wichai. Both Wichai and the policeman were angry at each other. When they reached Yanava District the policeman stopped Wichai's car and told him to come out and fight. They started boxing and finally the policeman, who was almost losing the fight, took out his .38 gun and shot at Wichai.

At that moment another policeman passed by. He tried to stop policeman Nit from shooting but was also shot in his shoulder. Policeman Nit tried to flee away on his motorcycle, but was shot at by a civilian who saw the incident and thought that he was a bandit. He could only drive for another 1 km., and was later sent to hospital. However he died on the next day.

Wichai and the other policeman were severely injured and also sent to hospital.

7. Four Villagers Protest Against the Slaying of Their Relatives by VDV's in Roi, Piboon District

On 27/2/79  
A group of four villagers from southern Nakhonsrithammarat submitted a list of 13 victims allegedly executed by para military volunteers to the Interior Ministry asking for justice and fair investigation. The group was led by a woman identified as Suan Raksamuang, (42) who said that her 19-year-old son was also among the executed. Suan said the thirteen were natives of Tambon Kuan-koei and Sam-tambon in Roi Piboon District and they were gunned down during the final half of last year. She said her son, Juan Raksamuang, together with other three persons were apprehended by a group of village defence volunteers in November last year and all three of them including her son were executed. Suan said she learned of the story when the one survivor in that group who witnessed the murder came to relate all the events to her later.

Roi Piboon District Chief Capt. Sompong Sriyaphand who was a well-known communist fighter was also accused of involving in the case. The letter also claimed that some village headmen as well as tambon headmen have had some connections in the slaughter as well.

Suan said she believed more than 60 innocent people in her district had been killed by those volunteers but she could not gather a full list of them.

It should be noted that this is not the first time that the villagers from this district appeal to the government authorities about the killings of innocent people there, however so far nothing was done to prevent such wide use of power by district chief and VDV's. (See more details in HRTR. November-December 1978, pp. 27,28)

III. Unjust Laws

1. Savage Use of Article 200 of the New Constitution

All those who believed in justice heaved a sigh of relief when the new constitution came in force on the 18/12/78, since it did not include in its main body any catch-all article equivalent to article 27 of the interim constitution. Admittedly amongst the temporary provisions of the constitution, provisions which were only to remain in force until the elections are held, there was one article - article 200 - which allowed the PM. to summarily sentence (with the approval of the Cabinet and the NPC) anyone, for anything they were alleged (by the police) to have done anywhere. However since this was a temporary provision it was expected that it would only be used in exceptional circumstances if issues of national security were at stake. All those who felt that the holding of fair trials was an essential prerequisite for justice, were shocked by the savage use made of this temporary provision. With eight people being sentenced to death (more than in any other period in recent Thai history), and 17 to long prison terms between mid-January and mid-February, it was almost as if the PM. wanted to play with his absolute powers as much as possible before he lost them.



For the first time a woman was summarily executed, and for the first time an accused was so shocked by his death sentence that he tried to commit suicide, and it took two days to get him in a fit enough state to be machine gunned to death by the executioner. However as usual article 200 was not used on Caucasians, in order, according to Interior Minister General Lek Neaomali, "to improve the image of our country in the eyes of foreigners". Fortunately justice loving friends overseas (unlike the government) do not feel that the summary execution of brown people is any more justified than the execution of white people, and thus there have been widescale protests from many quarters.

The following are the cases on which article 200 has been used over the period January/February 1979: -

12/1/79 3 persons (including one woman) were ordered executed, one sentenced to life imprisonment, and two to 20 years (one still at large) for kidnapping and murdering a boy. The next morning the three were executed.

23/1/79 1 Haw Chinese was sentenced to death (he is still at large), two to life imprisonment, and one acquitted for heroin trafficking.

9/2/79 4 persons (including a police, and an army private) were ordered executed, two sentenced to life imprisonment (one still at large), and three to 20 years imprisonment (one still at large), for rape and murder. Three of these sentenced to death were executed the next day, and the fourth (who attempted to commit suicide on hearing of his sentence) was executed two days later.

14/2/79 Two policemen were sentenced to 40 years imprisonment, one person to 30 years in jail (still at large), and one acquitted for heroin possession.

As usual, all these people were sentenced without any trial, without even having the chance to speak on their own behalf, by busy men in a few short minutes, only on the basis of a police report. All could have been tried normally in a military (criminal) court, but the PM. preferred to have their blood on his hands to serve the short term public relations needs of his government.

Many organisations inside and outside the country protested against this savage use of the article, including the Lawyers Association of Thailand and Amnesty International. CCRS. in its own open letter to the Chairman of the NPC raised three objections. Firstly that it was a denial of the people's basic rights, secondly that in a democratic system there should be a separation of judicial and executive powers, and thirdly because its use was inhumanitarian.

Let us hope, that with the help of our friends overseas, the article will not be used again.

2. NARC Decree 22: - The Decree Which Endangers Society

The poor, the powerless, and the exploited in Thailand are oppressed by the law in so many different ways, that it is very difficult to see what basic rights they actually have. Even in the most normal times, because of the coalition between the influential people and government officials, a poor person is likely to receive a heavier sentence for a petty crime committed out of necessity (eg. stealing food for a hungry family), than a rich person for a major crime committed out of greed (eg. operating a child slave factory). It is usual for evidence to be fabricated (almost half of cases taken to court are acquitted, with the poor being detained for long periods before their trial and the rich released on bail), for court appointed lawyers to help the prosecution, and for criminal charges to be put on political detainees. However it seems that these common misapplications of ordinary laws does not provide the government with sufficient power to punish all the innocent people that it suspects, and thus it has created a whole battery of laws (eg. the communist suppression act); decrees (eg. NARC decrees 1, 8, 14 & 24 on martial law); and constitutional provisions (article 200, which allows summary sentencing), to bypass the provisions of the penal code. The most widely applied of all these "illegal" laws is the Decree 22 of the National Administration Reform Council (NARC), under which almost 12,000 people have been detained over the last 28 months.

The Power of Decree 22

This decree allows police, and local officials (such as the District Chief) of the Department of Local Administration, to arrest and detain any person as "endangering society" for any length of time without passing through a judicial process. According to this decree, a person can be detained for 30 days for investigation and then sent to "reeducation and professional training centers for 60 days renewable" forever, until the government authorities (not a court) consider that the person has been reeducated and given a new "socially useful" profession.

Because the decree gives a wide and vague description of an 'endangering society' person, anybody can easily be arrested under the decree. During the first months of the use of this decree (October - December 1976), it is estimated that about 8,000 people were picked up on this charge, though only about 3,600 were officially detained (many being immediately released because bribes were rapidly paid). A large proportion of those arrested in the early months were political, or quasi-political (eg. Thais of Vietnamese origin) cases.

According to the decree, a person considered to be a danger to society, is someone who has done one of the following actions:-

1. have behaviour that annoys, intimidates, threatens or frightens other people.
2. is a vagabond, has no fixed abode or no honest profession.
3. earns a living in such a way that disturbs the people's peace and morality.
4. stores firearms, bullets or explosives of any kind, illegally, for trade or other illegal purposes.
5. incites, invokes, uses, or supports people to cause disorder in the country.



6. carries out an action that makes the people believe in forms of government which are not a constitutional monarchy.

7. earn a living by illegally establishing a gambling house, a brothel, or being an operator of an illegal lottery.

8. store goods or products for special purposes and self interest, or raising the price of goods illegally.

9. go out on strike or dismissing workers illegally.

According to official documents categories 5 and 6 are considered by government as political, and for these categories the Director General of the Police Department has to be informed, and has to authorize further detention. For these arrested under other categories (including category 9, which we consider to be political), normally only the authorization of the District officer (Nai Amphur) is needed.

The decree states that "the inquiry officers are empowered to detain anyone arrested under endangering society charges for 30 days. After 30 days, if the Commissioner of the Metropolitan Police (in Bangkok) and the governor of the province (up-country) consider that the person is still a danger to the society, they are empowered to detain the person in vocational training centers. Only the first 30 days of detention can be in a police station".

As a matter of fact however, a large proportion of those arrested were never sent to the special centers, but instead merely detained for months on end at local police stations. For example Mrs. Pimpan Puwapan, wife of a well known politician and lawyer, was held in Surin police station for more than four months.

According to the decree, the training centers and their governing committee (consisting of not less than 3 persons) are established under the authority of the Ministry of Interior. The four biggest training centers, namely Ayudhya Vocational Training Center in the Center, Songkla Vocational Training Center in the South, Nakhonrajshima Vocational Training Center in the North-East, and Pitsanulok Vocational Training Center in the North. (See brief description of the four centers in Human Rights in Thailand Report (HRTR), November - October 1978) are operated under the authority of the Ministry of Interior. However there are other smaller centers, operated by other agencies illegally, such as the center at the Border Patrol Police Camp in Poonpin District in Suratthani Province.

Most prisoners are detained for between 2 months and one year, but several people are also rearrested on their release on criminal or political charges (eg. Somboon and Vichai Banlusi) or shortly after their release on endangering society charges again.

Though some simple skills are taught at the larger centers, such as paperbag making (for university graduates!), rattan craft, and so on, the centers are in fact just like any other prison where people are locked up in dirty rooms, get small amounts poor food, and severe punishment. But it is worse than other prisons in that the prisoners are arrested without specific charges, detained indefinitely without knowing why, and detained without ever having a chance to defend themselves and to be released only when the authorities (without discussing with the detainee) decide that they have been sufficiently retrained, without court proceedings and no legal representation.

Even when an endangering society prisoner is freed, the charge sticks on him for the rest of his life, because:-

- The names of those arrested, along with details on their cases, and periodic progress reports, must be sent to the Internal Security Operation Command (ISOC), and the Central Intelligence Agency (CIA), and permanent files established.

- On release the detainee must report to the authorities at least once every three months for a year. If he does not report he is liable to be rearrested under the decree again.

- Whenever an ex-endangering society prisoner moves house, the authorities in his old place of residence must inform the authorities in his new place of residence that he was once an endangering society prisoner. Thus the label sticks for life.

- Government officials, teachers, state enterprise workers, and ordinary workers often lose their jobs after being arrested as endangering society, even though they are never found guilty of any crime.

Policemen use the decree more and more as a method of holding people for longer than official pre-trial detention period, without ever having to ask permission from the court. Local government officials and Police use it as a way to harass or get rid of people they are in conflict with, or to make money from bribes (for example the journalist Pansak Winyarat was arrested on endangering society charges, and released with a "bail-bribe" of \$50,000 in November 1976).

More and more frequently police merely add an endangering society charge to other criminal or political charges, to enable them to detain suspects as long as they want. However according to government documents, even if the court acquits a person from criminal or political charges, the detainee can still be sent as a danger to society for vocational training, as long as the two charges are not exactly the same.

There are many other respects in which this decree differs from normally accepted legal practices. For example children can also be detained as endangering society in the same centers as other detainees, and the juvenile court has no jurisdiction over such cases. In addition the government has tried to prevent detainees or their relatives from appealing for habeas corpus (see below).

#### The Use of Decree 22

According to official figures 11,783 people have been arrested and detained under endangering society charges (3,613 in 1976; 5,734 in 1977 and 2,436 in 1978 up to 30/11/78). These people have included high ranking monks, journalists, labour leaders, teachers, university professors, members of progressive political parties, government officials, Thais of Vietnamese origin; as well as common criminals, prostitutes and petty drug peddlers. Profiles of many of the more significant of those arrested under this decree have been included in most of the past issues of "Human Rights in Thailand Report".

One of the main worries that we have in the use of this decree, is the discrepancy between the figures of people released and still detained,



periodically announced by the Corrections Department; and the official figures of people arrested under the decree.

According to Correction Department figures the following thirteen groups of releases have taken place:

<u>Group Number</u>	<u>Date</u>	<u>Number Released</u>
1	11/1/77	1,385
2	12/3/77	629
3	11/5/77	613
4	10/7/77	348
5	8/9/77	423
6	11/11/77	580
7	/1/78	458
8	/3/78	269
9	/5/78	295
10	/7/78	223
11	/9/78	296
12	26/10/78	281
13	1/1/79	254

making a total of 6,054 people, which combined <sup>with</sup> the 581 people still claimed to be detained, adds up to 6,623 people, only slightly more than half the 11,783 officially (but not publicly) reported as arrested under this decree up until 30/11/78.

Those figures suggest that either about half those arrested under decree 22 have been illegally detained by agencies other than the Correction Department, or that large numbers of detainees have never been released, either because other charges have been placed, or because they are being secretly detained. Whatever the reason the discrepancy between the public and the official figures is cause for considerable concern.

Even the official figure is likely to underestimate the extent of the real use of the decree. For example, it was mentioned in the official statistics that in November 1976 in Nakornsri Thammarat and Suratthani provinces there was nobody arrested under this decree; but in fact there were reports on the arrest of many people under this decree at these two provinces during that period.

#### Challenges to the Use of Decree 22

Past issues of the "Human Rights in Thailand Report" have described in some detail the various legal challenges that have been made on the use of Decree 22. These have included appeals for habeas corpus; appeals for damages for false arrest and detention; and appeals for reinstatement in employment. Most of these legal challenges have been unsuccessful. Some of the more important are as follows:-

- On April 22nd and 25th 1977, the wife of Mr. Rurm Chitman, an endangering society prisoner appealed to the court at Choburi for habeas corpus for her husband. The judge asked for evidence of whether Mr. Rurm Chitman was a danger to society under categories 1, 3, 4, or 7. When the

governor and the chief of police could not prove this, the judge ordered his release. As a result of this Mr. Samak Sunthornvej Minister of Interior at that time, urgently brought up the question of the power of judges over decree 22 at the Cabinet Meeting on 24/5/77. At this meeting an ammendment to decree 22 was approved which stated that "Whenever there is an appeal to the court during detention, the judge must be made clear that the police have complete rights over the defendent under endangering society charges". (HRTR. July/August 1977)

- Mrs. Pimpan Puwapan was held under endangering society charges for 201 days. On her release on 11/5/77 she and her husband, brought a civil action against the Interior Minister, and three local officials, for damages of 200,000 Baht for false arrest and unjust detention. The action was unsuccessful. (HRTR September/October 1977)

- On November 30th 1977 Mr. Kaew Leekratoke (who had been arrested on endangering society charges on 28/6/77) successfully appealed for habeas corpus in Korat. The judge ordered his release, because the police had insufficient evidence to support the charges under categories 5 and 6. However it should be noted that in this, the last successful appeal for habeas corpus for someone detained under decree 22, 40-50,000 Baht and two cows were given to obtain the cooperation of the officials involved. (HRTR. November/December 1977)

- Mr. Suvit Prayoonsak, a worker of Kurusapa Trade Association brought a civil action against the Director of Kurusapa for being dismissed from his employment on 4/11/76, because he was detained as endangering society on 14/11/76. His action was unsuccessful, whilst his appeal for damages for defamation of Character is still going on.

- In May 1978 four endangering society prisoners in Nong Khai, appealed to the court in Nong Khai for habeas corpus. The hearings took place on 8, 7, 18 and 19th of May 1978. There were altogether 9 witnesses for the appeal, and 9 for the authorities. Because this case involved influential people, the governor pressurized the court and the appeal was rejected. (HRTR. May/June 1978)

All in all the legal attempts to challenge decree 22 have not been very successful, largely because the decree is phrased in such a way that it is difficult to seek habeas corpus (if not impossible), and virtually impossible to seek damages. Thus authorities can continue to use the article at will.

### Conclusions

It is important that people inside and outside the country are made aware of complete injustice of decree 22, and the very wide extent of its use. All claims of the government to be upholding and protecting the rights of Thai citizens can only be empty, as long as people can be arrested without charge, detained indefinately without having a chance to defend themselves, and are labelled for life as endangering society. Already 12,000 people have suffered under this decree, and it is thus time for there to be a concerted effort to annul the decree, so further injustices, suffering, and misuses of government power under the umbrella of a decree quickly thought up by power hungry military people 28 months ago can be rapidly stopped. Your assistance in campaigning against this decree is urgently required.



#### IV. Report from Up-country

##### 1. Arrests and Releases

###### i. Arrests

5/1/79 Mr. Klong Rungrung was arrested at Tambon Chaiburi, Pattalung province for giving supplies to communists. (Dao Siam 19/1/79)

10/1/79 Mrs. Un Sae-woon, Mrs. Charunee Sangkom, and Mr. Chak Chandarawong were arrested in Tambon Prupee, Nasarn district, Suratthani province for joining the communists in holding up a train and robbing the government of 1,200,000 Baht. (Bangkok Post 11/1/79)

11/1/79 Mr. Prasert Siribanpot a communist guerrilla surrendered to Udonthani police. (Pracharat 16-23/1/79)

11/1/79 Mr. Boonmee Tongnak a communist guerrilla surrendered at Surin province. (Arthit 19/1/79)

15/1/79 Mr. Pitsamai Meechinda (21) and Miss Tongkoon Chanaboon (20), communist guerrillas, surrendered at Udonthani province. (Pracharat 16-22/1/79)

21/1/79 Two communist guerrillas (names not reported) were arrested after an attack in Suratthani province. (Tawan Siam 28/1/79)

24/1/79 Two communist guerrillas (names not reported) were arrested after the attack in Prupee district, Suratthani province. (Tawan Siam 24/1/79)

27/1/79 "Wanna" (a code name used in the Jungle) was arrested in Kra-nuan district, Konkhaen province. (Matichon 9/2/79)

29/1/79 68 bus workers of the Bangkok Mass Transit Authority were arrested during a strike in Bangkok.

30/1/79 Mr. Chamnong Wongsiri was arrested during a communist suppression campaign in Ban Kuannieng, Nasarn district, Suratthani province. (Bangkok Post 31/1/79)

31/1/79 Ten communist guerrillas (names not reported) were arrested during the "Operation One War" in Nasarn and Wiengsa districts in Suratthani province. (Bangkok Post 1/2/79)

12/1 - 18/2/79 The Supreme Command Headquarter disclosed that during the period, 21 guerrillas were killed, 22 arrested, 75 surrendered, and 17 bases camps were captured.

During last year 215 guerrillas were killed, 561 surrendered and 95 were arrested. (Nation 16/2/79)

early/2/79 Nine communist suspects were arrested during a communist suppression campaign in Prasaeng, Wiengsa and Kachanadit districts in Suratthani province. (Bangkok Post 11/2/79)

early/2/79 Seven communist suspects namely Mr. Yim Iamsa-ard, Mr. Lad Songsilp, Mr. Prik Theppote, Mr. Sai Theppote, Mr. Kai Yingdee, Miss. Daeng Pankwien, Mr. Chamnong Singkam were arrested in Ban Od, Buaked sub-district, Surin Province. (Nation 6/2/79)

7/2/79 Seven communist suspects namely Mr. Somchur Petkaew, Mr. Boontuan Petkaew, Mr. Fong Petkaew, Mr. Rung Petkaew, Miss. Supani Kaewlurn, Mr. Rim Kaewlurn, and Mr. Sawat Kaewlurn were arrested in Nakornsriathammarat province.

11/2/79 Mr. Nikorn Yanvutpho (20), a student, was arrested in Hat Yat district, Songkla province for supplying the communists with information. (Bangkok Post 13/2/79)

13/2/79 Mr. Rurngsilp Sirisurak (23) a communist guerrilla surrendered at Konkhaen province. (Konkhaen 16-22/2/79)

18/2/79 A communist guerrilla (name not reported) surrendered at Srikorapoom district, Surin Province. (Siengpuangchon 2/2/79)

22/2/79 Seven farmers Mr. Sawai Yaengkratoke (41), Mr. Samruai Yangkratoke (37), Mr. Samrong Yaengkratoke (32), Mr. Tong, Mr. Lam-pong Chawkaew, Mr. La-ong Chawkaew, Mr. Daeng Chawkaew were arrested in Surng-sang sub-district, Nakornrajsima province for giving supplies to communist guerrillas.

27/2/79 Three communist guerrillas were arrested in Yala province. (Nation 28/2/79)

ii. Release - Nobody was released.

2. Village Chief and Farmers Arrested in Surngsang Sub-district, Nakornrajsima Province

In each issue of HRTR. we select one or two stories that illustrate the difficult situation ordinary people face in the countryside. We are always sad to report on wide misuses of power by both high and low ranking soldiers, policemen, Border Patrol Police, para military forces (such as VDV's), and local government officials. Unfortunately such reports continue to constantly reach our hands, from all parts of the country - particularly from the South, the Northeast and the North.

It is not only in areas where there is communist insurgency where these misuses of power take place, but in all rural regions where there is no check on the power of officials. However the most serious problems are faced by villagers in the areas where communist suppression activities are taking place. It is here where villagers live in daily fear of their lives and freedom.

In this issue of HRTR we describe briefly a situation that has recently occurred in Surngsang Sub-district of Nakornrajsima



Province in the North East of the country.

In mid February 1979, a group of soldiers from Surin Province launched a communist suppression campaign in Ponglampieg village in Suerngsang district. Many areas in the village, rice fields and forest were destroyed by the cannons and bombs.

On 22/2/79 while the suppression campaign still continued, a group of 8 villagers were arrested while they were working in the field. They were accused of giving food and other supplies to the communist guerrillas in the jungle. The eight all denied the charges, but were all tortured, so severe that they finally confessed to save their lives. After they had confessed, the soldiers called 300 villagers for a meeting. The 8 villagers were humiliated and condemned for "selling the country" and were finally taken back to the military camp, and later taken away in a helicopter.

The relatives of the eight tried different ways to know where the eight were. They petitioned to many local authorities, all of which denied knowing or having responsibility for that arrest. Both the district chief and the police inspector of Kornburi district told the villagers that they had not seen the torture with their own eyes and could not help; that those soldiers were not under their command. "The Border Patrol Police might be responsible for them", said the police inspector. However, a BPP officer also denied knowing anything. Even the provincial governor could not answer, under whose command this troop of soldiers was.

According to the villagers, all the eight persons arrested were good men. Mr. Sawai Yaengkratok, one of the arrested, was a village headman of Ponglampieg village and head of the farmer group. Others arrested were vice-village headman, public health committee and temple committee. (See names of these people in 'Arrests and Releases' above).

The villagers knew later on that three of the arrested men (Lampong, Daeng and La-ong) were detained at a military camp in Ban Non-dindaeng, Lahansai district in Buriram province. These three have another charge of blowing up the legs of 2 village defence volunteers. They were tortured in the camp. The other four were detained at a Police Training School in Nakornrajsima. These four were also severely tortured. Visitors can easily see the swelling and wounds on their face and eyes. One of them has bloody urine. (2/3/79)

A woman whose three sons were arrested and detained at the Police Training School (Sawai, Samruai and Samrong) was so worried that she has a nervous breakdown and was sent to hospital on 26/2/79.

V. Activities of CGRS. and Other Human Rights Groups

1. Activities of CGRS.

i. Visiting, Helping Prisoners and Their Families

During the past two months CGRS. still actively continued with its regular work of visiting political prisoners both in Bangkok and up-country. CGRS. has always tried to help the prisoners as much as possible, providing them with the necessities they lack in prison, such as clothes, soap, toothpaste, sandals, medicines, books, etc., and also providing them with moral support and encouragement. It also helped the families of the prisoners, most of whom live in the country side, and face great troubles when one or two of their relatives are locked up in jail.

In February, CGRS. arranged for the families of Thongchan, Sao and Boonrurung (the Surin Three Case) to come from Surin to Bangkok to visit their three relatives who had been sentenced to death. Duangchai, Boonrurung's 2 year old daughter who was born in prison, also came to see her mother. She could not remember her mother any more.

Shortly before the family visit Thongchan Srinual was punished by having to carry out 600 press-ups for being disobedient. Thongchan had a fever after this punishment.

ii. Listening to Trials and Providing Legal Aid

CGRS. kept monitoring, noting down, and systematically filing details of trial proceedings of many groups of political prisoners both in Bangkok and up-country. It provided the prisoners with legal aid such as finding lawyers for them, or bailing them out of prison, etc. CGRS. also gave financial support to lawyers and groups of lawyers defending political and other cases involving injustices. During the past two months another group of about 10 lawyers was successfully organized in Ubonrajthani province with an active support from CGRS. This group will be responsible for cases in the north-eastern part of the country.

During the past two months there was no drastic change in the cases CGRS. is responsible for, except with the case of the SURIN THREE. The Supreme Court handed down a death sentence on Boonrurung Sri-Udom, and rejected the appeal of Thongchan Srinual and Sao Saokaew (also sentencing them to death) on 23/2/79. Earlier, on 2/1/77, the Bar Association to whom the three had appealed, claiming malpractice of their court appointed lawyer, made a decision that the lawyer was not guilty.

However, on 27/2/79 the king decreed a Royal Amnesty for many categories of prisoners all over the country, to commemorate the occasion of the Crown Prince entering the priesthood. The amnesty also covered those who had been sentenced to death before 27/2/79, commuting this sentence to life imprisonment. All categories of prisoners were covered by this amnesty, excepting those who were guilty of Lese Majeste, a activity threatening the security of the state, and



narcotic drugs charges. Consequently, it is likely that the three prisoners are covered by this amnesty, with their death sentences being commuted to life imprisonment. At present CGRS. is trying to get a written confirmation on this point from the government authorities.

On 24/1/79 Supap Pasa-ong, the first defendant of Omnoi case gave a long statement in the court, starting off the hearings of the 29 defence witnesses. The 29 witnesses includes the 7 defendants, exPM. Kukrit Pramoj, workers and workers leaders, university professors, student leaders, etc. It is estimated that the statements and cross examination of the defence witnesses will take about one year (the prosecution witness took 3 years).

The cross examination of the 17 prosecution witnesses in Udom Fka-krong case also ended on 2/2/79 after having lasted for over 2 years. The hearings of the defence witnesses will begin on 26/3/79.

One important problem that the prisoners (both political and non-political) often face is that they are detained for longer time than the legal maximum detention period. For example, the maximum 270 days of detention under the authority of the investigating officer of Prasit Boonrak, a prisoner in Nakornsrithammarat Central Prison who was charged with communism, was over on 6/2/79. But until now the prosecutor had not brought him to court to ask for further detention, but is thus still illegally detained. According to normal procedures he should have been set free. His lawyer is going to appeal to the court against this, and also ask for his release.

One other problem that is faced is caused by court appointed lawyers and the judges who want to complete the case as fast as possible, and thus persuade the defendant to confess. Prayoon Rajpaen, charged with killing a defence volunteer, and detained at Nakornsrithammarat Central Prison (See HRIR November/December 78) was pressurized by his court appointed lawyer to confess. He asked the court to change the lawyer for him, because CGRS. has found him a new lawyer. The court told him that he had to change the lawyer within that same afternoon, but he could not, because the new lawyer was not there. The court then told to him to confess. Prayoon confessed, and he was sentenced to death, but the death sentence was reduced to life imprisonment because of his confession.

The lawyer is going to appeal to the court against this decision. According to the law, for cases that have severe punishment, although the defendant confesses, the judge should not make a decision, until there he has heard enough evidence, to convince him of the accused's guilt. But in this case, there have been only 2 hearings of 2 unimportant prosecution witnesses.

### iii. Protest Against Article 200

On 8/2/79 CGRS. submitted a letter to the Chairman of the National Policy Council Admiral Sa-ngad Chalawyo to protest against the use of Article 200 of the constitution which gave the Prime Minister, with the approval of the National Policy Council absolute power to summarily sentence any person. The letter was submitted to Adm. Sa-ngad at his residence, one day before the Cabinet approved the PM.'s decision

on the execution of four persons suspected of raping and killing a woman in Udon Thani.

Bishop Boonluan Mansap, chairman of CGRS., stated in the letter that this was the fourth time the premier had ordered suspects to be executed under Article 200 without going through the process of law.

"We therefore suggest that Article 200 which is a provisional clause is an infringement of democracy, human rights and humanitarianism which entitles everybody a chance to receive judgement from a just and free court".

The letter was also sent to local newspapers, three of which had reported on the protest. Three days later (on 11/2/79) a group of 21 lawyers also made a public statement against Article 200.

iv. Campaign for Bail of Somboon and Vichai Banlusilpa

In mid February CGRS. started a campaign to raise money to bail Somboon and Vichai Banlusilpa, the two brothers arrested under communist charges. CGRS. produced a pamphlet, telling about the background of the case, the cause of arrest, and the injustice the two brothers are facing. The pamphlets have been distributed widely so as to ask for contributions towards the 30,000 Baht (\$1,500) needed to rent land title deeds to be used as security for the 500,000 Baht bail, also to conscientize people about the case and the problems of political prisoners.

v. Non-violent Action Promotion Activities

CGRS. has cooperated with Komol Keemthong Foundation in organizing a "Non-violent Action Dissemination Project". The project is aimed at spreading the ideas of non violence and ahimsa through the publication of books. So far, the first book about non-violence philosophy and struggle has been published. Three more books are going to be published this year under this project.

Apart from spreading the idea of non-violence struggle through this project, CGRS. organised other smaller but significant activities with the same purpose. For example, CGRS. assisted on supporting a seminar on "Religious Institutions and Rural Development" held by students of Thammasart University. Many monks and activists in rural areas participated in this 2 weeks seminar (28 January - 4 February 79). And on 16/2/79 when the Lawyers Association of Thailand hold a debate on "Unjust Laws", CGRS. also produced a pamphlet on unjust laws which was distributed to the audience at the debate. Finally it should be mentioned that CGRS. is becoming involved in assisting religiously based rural development groups.

vi. The Case of the Arrested CGRS. Workers

On 5/3/78 Chaiwat Yao-wapongsiri and Sukhon Tantakeyoon went to the Court of Nakornsrithammarat to try to obtain clear cut information on the case, because there had been very confusing information provided by the Military court since 12/12/78 (when the normal pre-trial detention period was over). They met with Col. Udom Sitapawang, military



judge of 5th Army precinct. Col. Udom told them that the prosecutor will file charges about medicine only, with the charge of breaking the order of the Army Commander (by bringing too many medicines into the restricted area). Consequently, only Sukhon Tantakeyoon will be prosecuted in court on 2 April 1979. This charge carries a punishment of not more than a 10,000 Baht fine.

This seems to be a very good news to CGRS. and we hope also to all our friends who have actively campaigned for the sake the three in every possible way. Everyone in CGRS wholeheartedly realizes that without such hard efforts from our friends overseas, there might never be such good news at all. However, because in the past there have been so much uncertainties and changes in the case all the time, nobody can feel completely reassured about this good news. We therefore ask our friends to continue with their campaigns, by cabling the:-

Judge Advocate General  
Lt. Gen. Pratin Pattanatham  
Ministry of Defence  
Sanamchai Road  
Bangkok.

asking him to show leniency in the prosecution of Sukhon and to drop charges against the other two formally, so that the case will be completely over by 2/4/79. As always we hope that you will keep CGRS. informed for your initiatives, so that they can be publicised in the local mass media.

## 2. Activities of Other Human Rights Groups

The most active human rights groups during the past 2 months were perhaps the groups of courageous lawyers who protested against the use of unjust laws which infringe upon the basic rights of the people. On 4/1/79 the lawyers association of Nakornsri Thammarat province protested against the use of Martial Law and Military Courts by boycotting to defend cases in Military Courts. In Nakornsri Thammarat there is only a Military Court because the whole province is under Martial Law. Later, a group of lawyers in Nakorn Pathom province also protested against Martial Law in the same way.

On 16/2/79 the Lawyer's Association of Thailand hold a debate on 'Unjust Laws', one day before the election of the new president and committee members of the association. The next day, the new president of the association, Pratharn Duangrat, announced that the main function of the association would be to comment on Martial Law and other unjust laws.