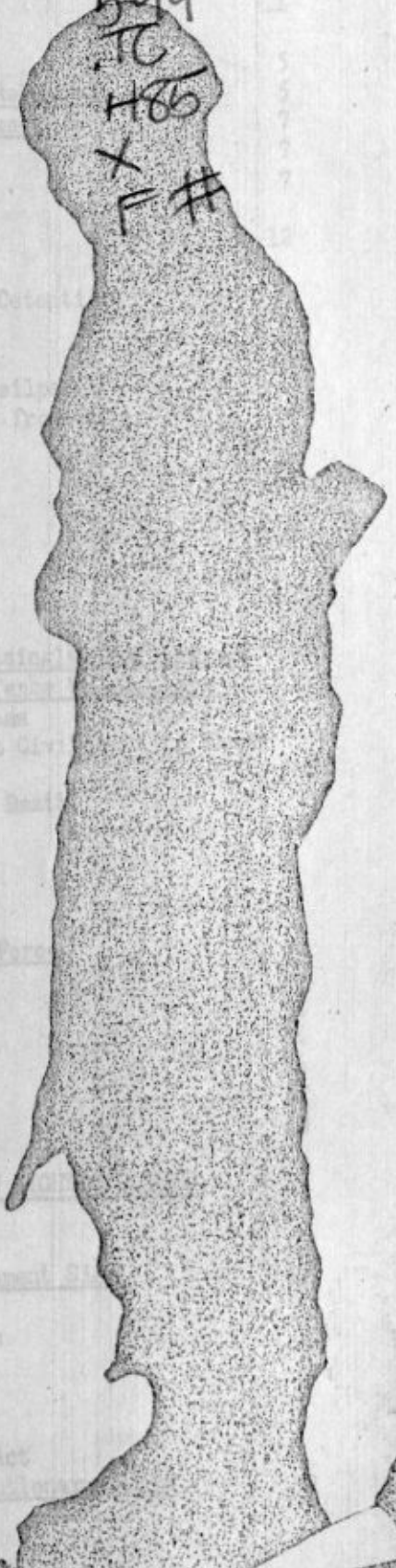
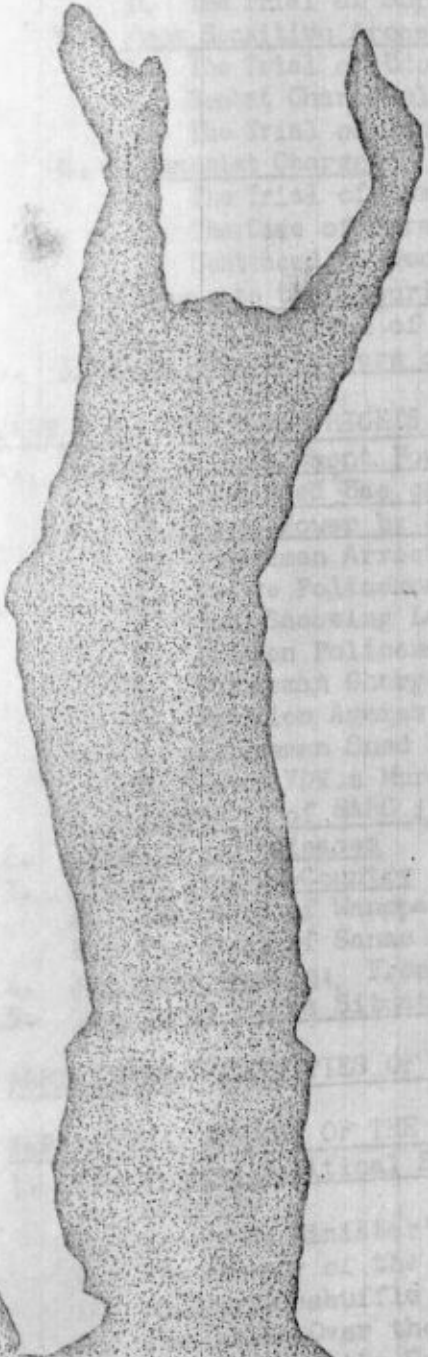


HUMAN RIGHTS IN THAILAND REPORT

SEPTEMBER - OCTOBER 1978

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HUMAN RIGHTS IN THAILAND REPORT
SEPTEMBER - OCTOBER 1978

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INTRODUCTION

Despite the release of the Bangkok 19 on September 16th, after their travesty of a trial had been continuing for about nine months, and their having been in jail for 711 days, there unfortunately does not seem to have been any significant trend towards improving the human rights situation in the country. The release of the Bangkok 19 seems in retrospect to be far more a public relations move on the part of the government (enabling for example it to obtain a second squadron of F.52E planes from the USA) rather than a result of an increasing consciousness of the injustice of the case on the part of the power elite. Article 27 of the interim constitution continues to be used widely (42 convictions of which three were executed), decree 22 of NARC remains in force and is being increasingly used by the police to detain people longer than the legal pre-charge detention period. Large numbers of people continue to be arrested in "sensitive areas" and charged with communism with no evidence; and police and officials continue to beat up, murder and rape civilians almost at will.

In the broader area of human rights, press freedom is being increasingly attacked with closures and threats to newspapers, and the arrest or assassination of progressive newspapermen, workers are coming under increasing difficulties, and students are continuing to have to struggle even for some basic minimum rights.

Thus though we are happy that the "star" political prisoners have been released, thanks to the efforts of all our overseas friends, we would also like to emphasise that this is, in terms of the overall human rights situation, just one case (and perhaps the easiest because of the great level of international attention) of injustice and misuse of power, out of the hundreds that still remain.

We are for example becoming particularly worried about a new type of misuse of power taking place in the border areas amongst refugees, where military authorities appear to be forcing groups of refugees to join the fight against guerrillas or infiltrate into neighbouring countries, murdering significant numbers of refugees in and outside prison, and using innocent refugees as a buffer or front line between government and communist forces. We hope, after checking this information out in detail to prepare a dossier on this situation in our next report.

Turning now to the present report, as usual it is divided into four self contained parts. Part one starts off with a brief analyses of the amnesty granted to the Bangkok 19, and the effects of this amnesty. This is followed by a short report on the case of the arrested CGRS workers. Despite promises from the authorities, charges against the three still have not been dropped, and they are still only on temporary release on bail of \$5,000 each. Since bail was originally granted because of pressure from our overseas friends, we have the slight fear the authorities might be waiting until all international interest has died down before taking any further action. Since a 300 day detention period ends on Dec. 10th, and at that time it is possible that either charges will be dropped or pressed, we would appreciate if our friends, could early in December, send letters and cables to the Prime Minister (with copies to CGRS.) asking that all charges be dropped.

Other trials and legal processes continue at a snails pace, with as usual there being more delays than progress. However with the Amnesty of the Bangkok 19, it was possible to obtain the release Mr. Surin Suanpan. The main difficulty being faced with political trials at the moment, is that it is extremely difficult to find lawyers who are prepared to take charge of the defense, particularly if communist charges are involved. This leads to many cases of those charged with communism and related offences in the provinces not even receiving the rudiments of a fair trial. The case of Thongchan Srinual, that we reported on its detail in our last issue is a good example, but there are dozens of other similar cases.

The trial of Supap Pasa-ong and his friends continues week after week with as conspicuous lack of hard evidence as that in the trials of the Bangkok 19. Despite an attempt at bail, petitions, publicity, and all other methods the 7 remain in jail where they have been for the last 2½ years, with the end of their trial still not in sight.

We continue to publish examples of letters from prisoners, in order to provide our readers with an idea of prisoners feelings, not necessarily because we support those feelings.

Part Two of the report opens with a description of the use (or misuse) that continues to be made of article 27 of the interim constitution, and the increasing opposition that is developing against its use. The public doubts over the justice of summary sentencing grew to a peak when 7 people were almost sentenced under this article, only to have all charges dropped the next day by the public prosecutor because of insufficient evidence. Fortunately it seems likely that the equivalent of this article will be dropped by the National Assembly in its deliberations of the new constitution.

Unfortunately we continue to receive large numbers of reports of police and Village Defence Volunteers behaving more like gangsters than upholders of the law. Murder, assault, and rape seem to be almost the rule of their behaviour, rather than the exception, with cases coming to light from all corners of the country. The cases we report are only a very small proportion of the total since many people are afraid to report things that happen to them or their relatives, whilst other cases that we know about cannot be reported directly in order to protect the source. We hope however that the proposed increase in control over VDV's will help reduce the large number of acts of vandalism and gangsterism carried out daily by this para-military force.

Despite the image that the government is trying to create for itself in terms of human rights, we see no indication of a reduction in the number of people being arrested for political reasons, and in our report on arrests and releases it can be seen that people continue to be arrested all over the country on communist and communist related charges. Most of those cases never go to court however, and for those that do, there is usually not a fair trial. Decree 22 of NARC continues to be used widely with people from all walks of life be charged as "endangering society" for a wide range of reasons.

In our report from up country, by illustrating events in two villages (one in the South and one in the North) in "communist suppression areas", we show the extent to which government tactics produce feelings of hate and bitterness amongst villagers. Only if government authorities can begin to understand, that people living in communist infested areas are also people, and that very often the question of whether they support the guerrillas or not is much more related to the behaviour of government forces, rather than ideological considerations, can there be any possibility of reducing the rising waves of conflict in rural areas. At present government suppression tactics have the effect of reinforcing communist propaganda.

Despite the continued existence of martial law, and the fact that the MARC decrees banning strikes are still in force, labour unions are becoming increasingly courageous in standing up for their rights. Thus over the past two months there have been an increasing number of strikes, and conflicts in the labour area. Probably the most important of these for the future development of the country have been the protests over the Thai Bulk Services (TBS) attempts to mechanise the loading of tapioca.

Though it might appear that Thailand has a relatively free press, government and influential groups are doing all they can to limit this freedom. We report in section five of Part Two in detail on the threats to newspapers, the withdrawal of licences, and the closures of newspapers and magazines. We indicate the types of action that is taken by local and central authorities when journalists report on prohibited categories of news (including the arrest of journalists). Most serious of all however is the continuing and steady assassination of newspapermen in up-country areas, with the assassins rarely ever being arrested and never tried. This widespread murdering of newspapermen is reminiscent of the spate of assassinations of peasant leaders in the North of Thailand in 1975. Influential people are involved, and as usual these people seem to be above the law. However, we are heartened over the unity of journalists in protesting against ^{the cancellation of} article 29 of the new constitution which protects press freedom.

In Part Three we describe as usual the activities of CGRS and other human rights groups. CGRS continues to be in the forefront of the struggle for greater justice in the society, and has in the two month period covered by this report: in addition to its normal activities of visiting and helping prisoners and their families, providing legal assistance, exposing misuses of power etc; also carried out several important activities designed to produce a wider consciousness of the plight of political prisoners, and of the danger of the widening conflict in the society. Human rights is becoming a widely debated issue.

Other organisations continue to flourish, including the Human Rights research group, a special committee of intellectuals established for the Dec. 10th celebrations, and as always the small group of brave lawyers, risking their lives to struggle for as many cases as are feasibly possible. In the respect it should be noted that Thongbai Thongpao, went for a two week lecture tour to Australia and New Zealand in late September.

In Part Four we analyse the general political situation, both from the government, and the guerrilla sides. We emphasise the extreme instability of the present situation, and the fact that the PM. appears to be playing a very dangerous (but skillful) balancing act, managing to keep in power despite the lack of any real support in the military forces. By astute and well timed concessions he has managed to prevent at least two coup attempts (if not more).

As a concluding thought for our readers, we provide the following information from the director of the government "Nutrition Research Institute" (12/9/78). "63% of Thai elementary school children suffer from malnutrition (i.e. 4 million) of these 200,000 suffer from severe malnutrition". At the same time the export of rice, fruit, maize, cassava, and meat products continue to flourish.. Can the brains and bodies of the majority of Thais continue to be permanently damaged so that a handful of business-men can continue to make even more money.

This is the sort of issue we refer to when we say we must struggle non-violently for a less materialistic, more human-centred pattern of development, where religious values are considered important. The struggle for justice is only the first small step in a long hard road.

PART ONE: POLITICAL PRISONERS

1. Defendants in October 6th Case Amnestied and Released

On October 6th 1976, 3,145 workers and students were arrested during the events that had been created by the ultra-right at Thammasat university. Within ten days all but a few hundred of these were released on a bail of \$1,000 - \$1,500 each. By March 1977, thanks to a mounting international campaign only 142 of those involved in the incident were still being charged. As the interest and involvement of our overseas friends grew, the number was further reduced to 113 in April 1977, to 25 in June 1977 and finally to 19 in August 1977 (plus a further 32 who were charged in order to help the Thanin government not lose face, but who were never arrested).

Having realised the sensitivity of Thai Governments to external pressure, people from all walks of life overseas continued to campaign for the release of the remaining 19, and gradually thanks to this campaign, and mounting pressure inside the country, the government made increasing concessions, allowing for example defense lawyers and open trial hearings in November 1977.

The struggle continued without letup until finally on 15th September a total amnesty was granted to the Bangkok 18, Boonchart Sathien-tharmani, and the 32 other people charged with activities relating to the events on October 6th, 1976. The National Legislative Assembly overwhelmingly passed all three readings of the Amnesty Bill (presented by Prime Minister Kriengsak Chamanan) during a closed-door session on September 15th, 1978. The Bill also granted absolute pardon to everybody involved in the incident including the police, military and right-wing civilians.

On September 16th, 1978 the 19 defendants who were still being detained in three different prisons were set free. "I feel gratitude to the people who have struggled for our freedom, I will certainly pay the debt I owe them," said Sutham Saengpratum one of the 19 defendants when he was released.

Certainly, the long and dedicated struggle of people inside and outside the country for the release of all those arrested on October 6th played an important role in the earlier releases and this amnesty. However many other factors were also important. The detention and trials of the Bangkok 18 had been a focus for international human rights interest, had also been a way to attack Prime Minister Kriengsak, and had been a constant reminder to the people of the massacre that had occurred in Thammasat university on the morning of October 6th, 1976. The trials of the eighteen in the military court and particularly of Boonchart in the Criminal Court (in which the testimony of the defence witnesses had already started) began to reveal more and more of the real truth behind the massacre, to the detriment of many people still in important positions. The amnesty stopped all these and also helped give Kriengsak a more liberal and better human rights image. Through the amnesty the Prime Minister gained support from middle of the road Thais, who since the October 6th incident tended to move more and more to the left, and thus paved his way to winning the election that might take place next year.

The Amnesty Bill also denied any person the right to sue for any rights, benefits, compensation, damages or whatsoever from the events, or the long 711 days of detention. "I am happy for the freedom of these young people", said chief defence lawyer Thongbai Thongpao, "The only unfortunate point is that the case was never concluded in court, and thus the truth of what actually happened at that period will never be known, nor will we ever know finally who was right and who was wrong...".

The nineteen were after their release welcomed warmly by their families, friends, the masses and even the PM. However, on September 19th Prime Minister Kriengsak banned the biggest celebration planned by student unions of every university in Bangkok which had earlier been scheduled for September 22nd. Kriengsak argued that "circumstances do not allow such a celebration!".

Rightist groups have made some protests against the release. On September 15th when the Amnesty Bill had been passed, Maj. Gen. Sudsai Husdin, godfather of the Red Gaur, gave a warning that if those freed by the amnesty become trouble makers again, "The Red Gaur will be forced to take action against them". Another rightist group attacked the nineteen saying that instead of feeling gratitude to the King 'from whom came the initiatives for their amnesty', they thanked the people. Although none of the released has been harmed, many of them have been closely followed. In addition their lawyer Mr. Thongbai Thongpao has been for many weeks a target of attack by the rightwing radio, and according to one reliable source Navapol (rightist) group is now prepared to 'deal' with him.

An era of injustice for those arrested in the events of October 6th is now over. The last of the 3,145 arrested without justification are now again at liberty. However neither the hundreds of man years wasted in jail by those arrested, nor the lives of all those killed can be returned. Let us hope however that at least those who created the Oct. 6th incident will realise that their manoeuvre produced few lasting benefits for them, but on the contrary added significantly to the suffering and conflicts that exist in the society. Let us hope that they never again try to create such an incident.

Let us also hope that our overseas friends realise the fantastic and unprecedented victory they have helped win. Nowhere in the world has there ever been a similar success with 3,145 people being arrested on serious charges, and within two years all being released. We thus hope that our friends understand that the Thai government is susceptible to international pressure, that their action does produce results, and most important of all that they do not forget that there are still hundreds, if not thousands of unknown political prisoners languishing in Thai jails, training centres and military camps, who are urgently crying out for help.

2. No Progress in the Case of the Arrested CGRS. Workers

In the May - June issue of "Human Rights in Thailand" we reported that it was likely that all charges would be dropped against the CGRS. workers and volunteer (Chaiwat Yao-Wapongsiri, Sukhon Tantekeyoon, and Boontham Chindawong). Unfortunately, despite considerable efforts on the part of CGRS, and friends in influential positions, no progress has been made. Charges of communism, being a threat to the internal and external security of the state, and having more medicine than legally allowed in a sensitive area (the first which could carry a death sentence) still stand, and the three are still out on a bail of \$5,000 each; this despite the fact that the investigation officers have accepted publicly that there is no evidence on the first two charges.

It seems that the authorities are trying to keep the charges standing for as long as legally possible in order both to keep substantial funds CGRS, does not have, tied up in bail, and to keep a threat over the heads of CGRS.

On December 10th, 300 days of remand will have been completed (30 days initial remand, and three periods of special sensitive area remand of 90 days). At that time it is likely that CGRS. will make an official appeal for charges to be dropped, and thus it would be highly appreciated if our foreign friends could write or cable the Prime Minister at the beginning of December for the charges to be dropped.

It should also be noted in these letters or cables that the spirit of the revised communist suppression act (which should come into force in 2-3 weeks time) is to prevent officials from arresting people on communist charges without sufficient evidence. The new act might even by down punishments for officials who misuse communist charges for unjust arrest and remand. The Prime Minister could be congratulated on his wisdom in liberalising the communist suppression act, and it could be suggested that as a sign of his good intentions with the act, all charges against the three CGRS. workers should be immediately dropped. (P.S. it now appears that revised Communist Suppression Act will not be as liberal as first suggested - see Part Four of the Report)

3. Trials and Legal Processes

A. Those Arrested Before October 6th

1. The Trial of Supap Pasa-ong Group

On March 30th, 1976, policemen arrested 5 workers from Samutsakorn province and also arrested four university students and graduates in the neighbouring Nakorn Pathom province. All nine were charged with communism, activities threatening the security of the State and owning firearms. The maximum penalty for these charges is the death sentence.

Before their arrest, Supap Pasa-ong and 3 other students were helping under-privileged workers in the textile industry by acting as advisers to the Samutsakorn Textile Labour Union, in order to assist the workers in achieving their legal rights. The five workers had, before their arrest, actively taken part in labour union activities and strikes. After their arrest, the labour union collapsed.

Their first trial hearings began on January 19th, 1977. There are altogether 62 prosecution witness but so far only about 40 prosecution witnesses have given evidence (mostly unsubstantial) in court. It is estimated that the trial will take at least a further year before completion.

It should also be noted that on August 24th 1978 the court refused a request for bail for the 5 workers posted by CGRS, because the case was being considered at a "high policy level".

August 30th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntan (continued), a police inspector in charge of the local police station at Kratumbaen District, Samutsakorn Province.

Prosecutor: During the strike at the Watana Vinile Tile Factory in June - July 1975 there was a clash between the strikers which ended with the death of Miss Samran Kamklan, a worker, and a policeman. The Samutsakorn Textile Labour Union arranged a demonstration, carrying the dead body of Miss. Samran along the streets of Kratumbaen district "to arouse the people" which would lead to disorder in the country. The union's plans to organise demonstration in Bangkok was stopped by the police who blocked the streets. However, 7-8 other workers who were injured in the incident fled to Bangkok and made speeches at Thammasat University, attacking the government and government officials. The protest in Kratumbaen District and in Bangkok ended one week later, because another group of students were arrested in the northern province of Lampoon, therefore the protest moved to this new issue. The workers at Wattana Vinile Tile Factory stopped occupying the factory after the resignation of some workers. The factory then closed itself down for sometime and reopened again recruiting new workers.

The witness claimed that the workers' strikes and factory seizures had 4 purposes, namely, to propagate communism, to find members for the communist party, to incite communist activities and finally to build up a stock of firearms. The witness admitted that the police had run reeducation programmes for the workers emphasising "democracy" and the country's security. The police also had their spies among the workers and in the labour unions. Before the arrest of the 5 workers, the police obtained information from its spies that these workers had talked to other workers about communism and listened to Peking Radio, and also that they kept firearms. On March 29th, there was a report that Mr. Wimut Sumram, one of the arrested workers, had moved some things from his house in Kratumbaen District to Onyai District, so on the next morning the police searched Wimut's house in Kratumbaen and also Supap's house in Onyai, and arrested 9 persons staying at the house, who were the defendants in this case.

September 6th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn (continued)

Prosecutor: The Samutsakorn Textile Labour Union had published a book entitled "Onnoi 75" in 1975. The book was about the work of the union from its establishment until then, techniques of organising workers strikes, the purposes of occupying factories and the development of a really human society from a primitive commune society, through a slave society, fudalism, capitalism and socialism. This book, written by Supap Pasa-ong, was later classified as a communist propaganda book.

The witness claimed that he had secretly discovered that Supap and 3 other students were providing education and advice to workers about to workers about the best techniques to be used in strikes whenever there were any strikes in the region, which made the strike last longer than usual. The books in the union's library propagated communism. The meetings of the union were also attended by students, university professors and Labour Department officials. The union also brought in some medical students to give nursing training to the workers. In short, the Samutsakorn Texttile Labour Union was acting as a coordinator between workers and students.

Before the arrest, one of the defendants, Mr. Wimut Sumram, who was very active in the worker's movement, could not find any work because of his bad reputation until he changed his name.

After the arrest there was no strike at all in the region, nor had there been any worker's movement there when there were demonstrations or protests in Bangkok.

September 13th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn (continued)

Prosecutor: The witness said that since 1973 the communist party has used legal labour unions as a tool to propagate communism. The members of the communist party have been working openly in the labour unions, whilst at the same time secretly been trying to arouse the workers and find new members for the party. This can be seen through the large number of violent strikes or demonstration that took place either independantly or with the NSCT (National Student Center of Thailand). The strikes always caused disunity among the workers and and increased unemployment. Unemployment led to economic collapse and unsecurity of the country. Therefore the strikes made the people lose their faith in democracy.

The strikes and demonstrations in towns encouraged the communist guerrillas in the jungle. The books seized from the nine defendants were similar to those seized from communist guerrillas. Some documents seized indicated that their owners must have been those who had been educated in marxism and ways of making revolution in Thailand either from members of the CPT. or those supporting the CPT.

September 20th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn (continued)

Cross-examination: (for first defendant: Supap Pasa-ong) The policemen arrested the defendants on March 30th, 1976 with other charges, not with communist charges. The purpose of the house search was to capture firearms; the communist charges was filed later on as a result of the interrogation of the defendants. The police had discovered that there were 2 carbines and 10 M.16s which belonged to the Samutsakorn Texttile Labour Union, but did not know exactly who they belonged to.

The witness accepted that the labour union was legally registered. According to the labour law, its founders must be committed to a constitutional monarchy. As far as he has discovered, there had been no office bearers in this labour union who lacked this qualification.

The union had staged strikes and demonstrations with the NSCT many times. The NSCT. was financially supported by the government to give education about the labour law to many labour unions, including the Samutsakorn Texttile Labour Union. But in doing this the NSCT. was generally accused of propagating communism, as it always incited workers to stage violent strikes. The witness knew that the NSCT. had been a part of the united front of the CPT. since 1974. The CPT. always encouraged the workers to go out on strike.

September 27th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumansuntorn (continued)

Cross-examination (for first defendant): The NSCT. acted in accordance with the revolutionary way of the CPT., for example, it incited the people to hate the government, accusing the government officials of killing the people, setting fire to villages, and getting rid of the US. bases in Thailand. The witness accepted all these protests had been done openly, "but violently as they threatened the government that they would not stop protesting or demonstrating unless the government yielded." He stated that before the October 6th Coup, no government had ever accused the NSCT. of being a communist organisation. He denied knowing that the government had given office space and some financial support to NSCT to encourage the students to go to the countryside to educate the villagers about democracy.

October 4th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn (continued)

Cross-examination (for first defendant): The education given to the workers by police and district officials was about the security of the country. In this programme the witness (who had helped run the course) had told the workers that the CPT. had infiltrated the Samutsakorn Texttile Labour Union which was a part of the CPT's "united front. After this course, there was a wide protest against the union. For example, the workers who graduated from the course demonstrated to Petkasem 1 factory and blocked the entrance.

The witness thought that Supap was a member of the CPT. or the Patriotic Youth League of Thailand (which was a part of CPT.), however, he had no written evidence of this; he only made a conclusion from the defendant's behaviour.

The witness said that in the arrest at Kratumbaen district (of 5 workers) it had not been mentioned before who was to be arrested. In answer to the lawyer's question that if some of the defendants had not stayed overnight at that house, would they have been arrested or not, the witness said: "that depends on the results of the investigation".

October 11th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn (continued)

Cross-examination (for 2nd defendant) The witness said that in Thailand there are many different classes of people and the gap between these classes was very wide. To talk about the gap between classes or corruption in the government, etc. can be considered as incitement or as communist propaganda, depending on who the speaker is and when and where he speaks.

The witness accepted that the Free Workers Group was, after its establishment in 1974, supported by the government. He said that this group became well known in 1975 when it resisted the Samutsakorn Texttile Labour Union. The resistance was also supported by some government officials. The witness had not supported the Free Workers Group in resisting the union; he only provided training to the members of the group to help them resist communist sympathizers, and those who use the workers to cause disorder in the country.

The witness claimed that the employers who did not act in accordance with the Labour Law, which led to workers' strikes were not damaging the economy of the country. However, when the lawyer suggested that if the employers broke the Labour Law and consequently the workers staged a strike which lasted to 15 days because the employers would not give up, the witness finally admitted that in this case the employers were damaging the economy of the country.

October 18th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn (continued)

Cross-examination (for 9th defendant: Narin Apornram): As far as the meaning of 'propaganda' is concerned, the witness said that to repeatedly say that the government is good was not propaganda, nor was it propaganda when the government was attacked by some officials or M.P.s (eg. that the government was inefficient). Propaganda was in short a "one man talk" which did not allow people opposing that point of view to talk.

October 25th, 1978

Prosecution Witness: Pol.Lt.Col. Wiriya Tumornsuntorn

Cross-examination (for 6th, 7th, 8th defendants): The witness accepted that according to the law the workers could stage a strike. Any strikes that could damage the economy of the country would be prohibited by the law. The countries that had the biggest investment in Thailand were Japan, USA., and England. In these countries there were many strikes, and the labour unions played a very important role in pushing the workers demands. However the witness did not know whether these labour unions had political roles or not in these countries.

Those people who held a demonstration supporting the police in taking legal action against the defendants in this case were not supporting communism or causing riots in the country. The police who demonstrated to ex PM. Kukrit Pramoj house and damaged his house and property did not help the communists either (whilst earlier the witness testified that all strikes and demonstrations benefited and supported the communists).

B. From Sensitive Areas

1. The Trial of Udom Pka-krong Group

Mr. Udom Pka-krong and ten other persons were arrested in May 1976 from Nakornsrithammarat Province and charged with being communists, attacking military camp, arson and killing Village Defence Volunteers. Detained for over two years with no bail, their trial proceeds very slowly at the rate of one day every two months. So far most of the prosecution witnesses produced unsubstantial evidences.

In the past two months there was only one hearing on September 4th. The testimony given by the witness was again very unsubstantial and had nothing in concern with the case.

2. Sombat Charaskul Appeals for Illegal Detention

Sombat Charaskul, charged with communism, appealed to the Provincial Court of Nakornsrithammarat against his illegal detention. Sombat claimed to the court that his pre-trial detention period (480 days) was over on December 29th, 1977 but up till the time he submitted the appeal to the court (September 22nd, 1978; 9 months already) he had not yet been prosecuted in the court nor has he seen or signed the prosecution paper, and consequently he asked the court to set him free.

Sombat was arrested on June 10th, 1976 for owning unregistered firearm. He was sentenced to 3 months imprisonment for this offence and was detained at the Central Prison of Suratthaniprovence. On his release from this sentence, he was immediately rearrested and remanded under communist charges.

According to the Communist Suppression Act people can be detained for an initial period of 30 days followed by three successive periods of 60 days under the power of the investigating officials, followed by three periods of 90 days under the power of the Military Court, making a total of 480 days before an alleged offender has to be prosecuted in court.

In answer to Sombat's appeal against the illegal detention, the Provincial Court decided that this matter fell under the responsibility of the Military Court; and thus the Provincial Court could not make a decision. Hence the Provincial Court requested that the appeal be withdrawn, and suggested that the appeal be submitted to the Military Court. Sombat will do this in the near future.

3. The Trial of Prayoon Rajpaen

Prayoon Rajpaen (22) was charged with killing a village defence volunteer. He surrendered to the Military authorities at Nakornsrithammarat province because he believed the official propaganda that he would not be guilty, and also because he feared that if he did not surrender, both he and his family would be in danger. (For further background on Prayoon and the case, see "Human Rights in Thailand Report", May - June 1978).

The first trial hearing of Prayoon has been postponed 6 times so far. The last postponement (October 18th) resulted from the fact that his defence lawyer withdrew from the case because of its seriousness. Therefore the court has appointed a lawyer (Mr. Wichit) for him. This lawyer has suggested that Prayoon plead guilty (so as to speed up the case because the court-appointed lawyer earns only 300 Baht for the case). For fear of serious problems that might occur (as in the case of three people charged with communism from Surin province) CCRS. is trying to find a new lawyer for him, so that at least he can have an adequate defence.

C. Communist Charges

1. The Trial of Somboon and Vichai Banlusilpa

The two brothers Somboon and Vichai were arrested under endangering society charges in October 1976. After having been detained for 5 months under this charge, a further charge of communism was filed against them.

This case is notable for its slowness and frequent postponements. The first trial hearing was again and again postponed for 6 times before it really started on June 6th, 1978. So far there have been only two hearings.

During the past two months the hearings which was scheduled for October 20th was again postponed because the witness was ill.

2. The Case of Three Communist Prisoners from Surin Sentenced to Death

In the previous issue of "Human Rights in Thailand" we reported in detail on the case of three persons (Mr. Tongchan Srinual, Mr. Sao Sao-kaew, Miss Bunrung Sri-Udom) who were convicted with illegal possession of firearms and intentionally killing government officials whilst they were on duty. We reported that both the Court of First Instance and the Appeal Court handed down a death penalty on the three, and that the three have appealed further to the Supreme Court with a new defence statement, because their first statement, where they admitted guilt, was made under severe torture and on the basis of misleading information provided by their court-appointed lawyer. In addition, the three have lodged a complaint with the Bar Association of Thailand on the malpractice of this lawyer.

However, not long after the last report was distributed (including an urgent request for letters of concern and a campaign for the lives of the three) we received unpleasant news that their new lawyer had failed to lodge the appeal to the Supreme Court within the limited period according to the law. The appeal was lodged on July 15th, and was rejected for Tongchan and Sao being too late. At present lawyer has further appealed the rejection of the appeal to the Supreme Court.

If the Supreme Court does not accept their case for hearing, the two will be executed, in accordance with the judgement of the Appeal Court, within 60 days.

We thus urgently request all our friends overseas to continue to campaign for the lives of the three persons by writing to the Prime Minister, the president of the Supreme Court, and the Minister of Justice (at the Ministry of Justice, Bangkok) urging that the appeal off all three defendants be considered by the Supreme Court. We would also appreciate if you could continue to campaign for at least the commutation of the death sentence to life imprisonment for the three. As usual we would appreciate if you could inform CGRS of any initiatives you take.

With the copies of the first letters of appeal sent to CGRS., CGRS. was able to interest the Thai press in this case. The details of the case of the three, together with letters of concern from overseas groups were continuously published in 3 newspapers and magazines.

At present there is still no further information on the case. The deliberations of the Supreme Court are considered as official secrets and thus we have no inkling of what its decision will be. However the Bar Association has considered the complaint of the three defendants against their lawyer on November 7th, for the first time. It will still be some time before the Bar Association makes a decision.

E. Danger to the Security of the State

1. The Acquittal of Mr. Surin Suanpan

Mr. Surin Suanpan, a former member of the Socialist Party of Thailand, was arrested under endangering society charges in July 1977 while he was carrying a paper bag full of leaflets attacking the government and US imperialism, and leaflets urging the release of those arrested over the Oct. 6th, 1976 incident. He was released from these endangering society charges on Jan. 7th, 1978 but was immediately rearrested and detained under the charge of being a threat to the security of the state. The first trial hearing, originally scheduled on Jan. 17th, only finally took place on July 14th, 1978 one year after his arrest. He pleaded not-guilty to all charges.

September 19th, 1978 Mr. Surin's lawyer, Mr. Thongbai Thongpao, gave a new statement of the defendant to the court. In that Statement the defendant pleaded guilty, admitting that he had really distributed leaflets attacking the Thanin Kreivixien government and urging for the release of those arrested over the October 6th, 1976 incident. However, now that the Thanin government had been overthrown by the present government, because it was claimed that the Thanin government had damaged the economy and the security of the country and now that all those arrested over the Oct. 6th incident had been granted an amnesty by the government, why should Mr. Surin Suanpan continue to be detained?

The court then sentenced him to one year's imprisonment, but because he had made a confession the sentence was reduced to 6 months. Since he had already been detained for over a year under endangering society charges and later threatening the security of the state charges, Mr. Surin Suanpan was set free on that day.

4. Letters from Prisoners and Ex-prisoners

One of the few ways that a prisoner can make his problems reach the ears of people in the outside world is through letters. However, because of severe censorship, most of the letters that disclose the real situation in the prison or the real feelings of the prisoners are stopped by the authorities (with the prisoners writing such letters being given severe punishment). Some of the following letters were smuggled out of the prisons, thus allowing the prisoners to speak openly of the reality that they are facing.

A. Letters from Prisoners

Dear friends,

Anger is burning inside me to such an extent that I have to write you this letter. When I was still at liberty outside the prison, some of my dear friends were killed in front of my eyes, and when I was in the prison I received some news that made me cry. The first bad news that I got was in 1976. My younger sister, aged 21, was shot dead by a group of policemen because she resisted arrest. After she had been killed, the policemen raped her. I could not stop myself from crying when I heard this news. But my tears were not these of despair but of frustrated revenge. A revenge that I could neither take at that moment or now.

I had really wished that I would not receive similar bad news anymore. But then in March or April 1977 I got hold of a piece of newspaper on which was written that the police had shot dead 5 communist guerrillas at Ronpiboon District. Amongst the names of those killed was that of my dear father. I completely ran out of words when I saw this news. If I killed them, they would put me in prison, but if they killed my father, my sister, and my friends, they are innocent, aren't they? If they were broadminded enough, they should set me free, and give me at least a chance to fight back. But is prison only a place to enter and not to leave? If I were free, nothing but death could stop me from taking revenge on what they have done to my family, my friends and the people.

Please excuse my angry mind, my true friend. Nowadays my mind dwells so much on these things that I think I might go mad one day. One thing that can calm me down is the thought that there are people such as you who are struggling for rightness and justice in our society. This provides great encouragement for me. I really hope that you keep on along this difficult way, for though you might see your road as full of hardship and danger now, a bright and prosperous future is awaiting you.

Sincerely,

.....

The name of the person who wrote this letter cannot be disclosed for the sake of his safety. He was arrested in a sensitive area of Nakorn-srithammarat province and charged with murder and communism. However he was recently acquitted from all charges after having been detained for over 3 years. The letter was written to CGRS. shortly before his release.

Dear friends,

"The philosophers have only interpreted the world, in various ways, the essential, however, is to change it".

I first saw these words carved on a copper plate on the wall of a building in Humboldt University in East Berlin. These words, particularly the last phrase, played a big role in the development of my ideas. Later on, I tried to find greater understanding of its meaning, until finally I reached a conclusion both in my ideas and actions. (like the negro blues singer, who described the lives of the poor people in America who concluded) that, "We've got to change things".

The questions to which we must find answers are "What is to be changed, and how?"

If someone simply tells you that half of the people in the country are still foolish, I would like to say to you that whether you think they are fools or not, it is the few fortunate people who make those people live their miserable lives. If we want to solve this and any other problem, we have to go to the root of the problem, and only then can we have a chance of finding a solution which brings justice.

A little known Russian writer once wrote: "What is more valuable to a person's life than to struggle for his freedom and dignity".

What is a person's freedom? Where is it? And a person's dignity, where has it gone? Many people have given answers and explanations, good explanations, but the point is: "why don't they begin to act?" Too much ink and saliva have been wasted and are being wasted. But I will not let them to waste any more.

If I were to die or be jailed for the rest of my life only because I have struggled against the things that have "got to be changed", and for the freedom of mankind, I think it is worth dying, worth the pain of my mother who gave birth to me, worth the hardship of the farmers who grow rice for me to eat, and worth the struggle of the workers who weave my clothes and produce my tools and shelter.

This is what I believe, and this is what has brought me into the square brick walls, iron bars and thick chains of my prison.

Even now in jail, I still believe strongly that what I have done is right, and can see no reason why I should not keep on doing it?

Supap Pasa-ong

Supap Pasa-ong was an advisor to a textile labour union when he was arrested in March 1976 under communist charges. After he had graduated with a degree in economics from a Bangkok university, and completed some post graduate research in Germany, he became a special reporter of a weekly news magazine, and at the same time an advisor to a labour union. His trial hearings are reported in 3A.1 above.

My dear friend,

Please excuse my poor language and spelling as I am a worker and not a writer. I only want to write to thank you and all friends in CGRS, who have always been kind to me as if you were my own brothers and sisters.

I find it difficult to write because my eyes are red and full of tears. Yet I feel like talking and speaking to someone about the injustice of my arrest. It is ridiculous that I was arrested under this charge. They arrested people as if they were catching fish in a small pond; every unlucky fish was caught.

Two of my co-defendants are illiterate, like most of the people in our country. There are so many barriers that hinder people like us from learning to read and write such as poverty, lack of schools, and the distance from our house to the school. My own son had to stop going to school when he lost me due to my arrest. The other one was able to continue with his education because of his own ability. He is very good in school and got a scholarship. If he had not got it, he would have to have left school like my other son. I, as a father, cannot help them at all.

I have taught my 2 illiterate friends to read and write. At least they have learnt something from the prison, apart from the badness of our rulers.

My other co-defendant is an old man. He is fond of talking with me about his life, the life that at least nine years of which have been wasted in prison. He was once imprisoned, charged with murder for 7 years 4 months and 27 days at Bangkok Prison. When He was set free he started a new life, working hard and never causing trouble to anybody, because he was so afraid of prison, and tried to stay away from it as far as possible. But finally he was arrested again. Every day he scorns government officials. I often asked him why, when he knew that I was arrested, he hadn't fled. He said that he had not done anything wrong and saw no reason why he should flee. I said I had not done anything wrong either and I was arrested. The officials dared not arrest those people who did kill the military men and set fire to the school, and so they arrested us to save their faces.

Two years have passed since I was arrested, but the situation in my province and many other provinces has not changed at all. Yesterday my friend got a letter from his father who lives in Nakornsrihanmarat. He said that people are killed like animals. Those who die are all accused of being communists. Anybody who has beautiful wife, daughters or sisters are killed, anybody who has conflicts with the officials are killed; all that have been killed are communists... His father wrote that it was lucky that we were kept in prison, or else we would have been killed a long time ago.

My paper is finished and I have to stop. As you know I cannot write more than one page.

With Love,

Fuchong Kaewsuan

Puchong Kaewsuwan was arrested in May 1976 in Nakornrithammarat Province and charged with being a communist, killing, arson and attacking military camp. He is charged along with Udom Pra-krong and nine other friends. The trial hearings are reported in 3C.1 above.

B. Letters from Released Prisoners

Besides letters from prisoners, CGRS. also receive letters from released prisoners. In what follows below two such letters have been translated, one from the Bangkok 19, and the other from Mr. Surin Suanpan. Surin was arrested under endangering society and activities threatening the security of the state charges. The details of the case are reported in 3E.1 above.

Bangkok

26 September 1978

Dear friends in CGRS.,

Finally the freedom of 19 innocent people is returned because of the struggle and efforts of justice loving people both inside and outside the country. The Coordinating Group for Religion in Society has been struggling for and helped the nineteen of us throughout, from the very beginning. We would like to thank you deeply for all you have done on our behalf.

We all hope that the work and courage of CGRS. is growing from strength to strength in its struggle for the poor and oppressed people. Like you, the nineteen of us will commit ourselves to a struggle for a society where all its members can live happily and peacefully together.

With love and respect,

19 innocent people
"October 6th; 1976 case".

Dear committee members and workers of CGRS.,

My family and I would like to thank the "Coordinating Group for Religion in Society", from the depth of our hearts for all your kindness that was granted to us during the time of my 'imprisonment'. Your assistance and support at time of great trouble and difficulties have been of tremendous value to us all.

On 25th September 1978 we received further assistance of 1500 Baht from the group to help cover all the expenses after my release whilst I am still unemployed. I would like to thank you again for this. We will always keep in mind that the money given to us comes from people or groups of people from all over the world who would like to create justice throughout the world. Consequently we will spend as little as possible of the money for our family, only where absolutely necessary, and keep the other part to be spent on something that will benefit the whole society.

I support the work of CGRS. which helps create the humanity, morality and justice in the society.

Yours Respectfully,

Surin Suanpan and family

PART TWO: THE HUMAN RIGHTS SITUATION

I. Misuse of Government Power

A. The Continued Use of Article 27 is Increasingly Challenged

The Kriengsak government continues to make widespread use of article 27 of the interim constitution - the catch all article that allows, the Prime Minister with the advice of the Cabinet and the National Policy Council to summarily sentence people for any offence, committed at any time, anywhere. Over the past two months 42 people have been summarily sentenced, somewhat lower than the July-August total of 51, but higher than the May - June score of 30. However of these 42 sentenced, 3 have been immediately executed, without even being given a chance to make last farewells to their families. This is the highest number executed under this article in any two month period.

Increasingly people in Thailand are beginning to have their doubts about the use of this article, and are beginning to press for so many safeguards, that if accepted would ^{make its use} little different from a normal trial. There are three main reasons why people are now doubting the justice of such an article. The first is that there is some evidence that the Prime Minister uses it far more for the purpose of promoting the public relations image of his government rather than for justice. For example when there is a public outcry against rapist/murderers, two obscure people are executed; or even more blatantly when the nine sided 5 Baht win had to be demonstized because of the wide number of forgeries, three alleged forgers were immediately summarily sentenced. The second reason for disillusionment is that whereas the government seems to have no hesitation about using the article on Chinese, Laotian and other asians involved in the drug trade, there seems to be a distinct reluctance to use it on caucasians. The third and most significant reason is that on the 11/10/78 the Cabinet turned down a Police Department proposal to summarily sentence four policemen and three civilians charged with burning down part of the police registration division. The Cabinet said that this case should be tried in an ordinary court. The next day the seven were released from detention because the Public Prosecution Department failed to find sufficient evidence to even warrant a prosecution. During the past two months nine other people have been acquitted, despite the Police Department submitting what they consider ^{to} be irrefutable evidence.

The example of the police arson case cited above brings out in the open the point that we and many other people have been making for some time - given the unreliability of police evidence (even in ordinary cases more than half of people charged are acquitted), there can be no justice in any proceedings where the accused do not even have a chance to defend themselves, particularly when such "justice" is meted out by busy men after only a few short minutes of consideration of the "evidence". That seven (or sixteen if these acquitted in other cases are included) people can be so near being sentenced under article 27, and the next day all charges dropped by the public prosecutor, throws severe doubts, not only on the past use of the article (with over 120 sentenced and five executed over the past six months) but also on its very essence.

During the past two months the article has been used as follows:-

- 4th September 1978 One man sentenced to 30 years imprisonment for illegal logging. 3 other suspects acquitted for lack of evidence.
- 5th September 1978 9 men sentenced to between 3 and 7 years imprisonment for illegal logging.
- 29th September 1978 2 men sentenced to life imprisonment for illegal logging. Fourteen others including six forestry officials sentenced to between 5 and 20 years imprisonment on the same charge. (8 of these are still at large). 4 were acquitted from the charges, but one of them, a district officer, was dismissed from his post.
- 4th October 1978 One Hong Kong Chinese heroin trafficker executed (even before the public announcement was made), and four other drug peddlers sentenced to life imprisonment (one of whom is still at large).
- 27th October 1978 Two alleged rapist/murderers executed.
- 27th October 1978 Five drug traffickers sentenced to between 10 and 25 years imprisonment.
- 31st October 1978 Three persons sentenced to between life imprisonment and 20 years imprisonment for counterfeiting five baht coins (one is still at large) 2 were released from the same charges for lack of evidence.
- 30th October 1978 One man sentenced to 30 years imprisonment for running an illegal sawmill.

In all the above cases, even when people are sentenced in absentia, all the involved property is also confiscated.

The controversy over the use of this article has spread over into the constitutional debate, where a similar article was added by the "Constitution Scrutiny Committee" during the committee stage of the National Assembly hearings. (see Part IV below). Many liberal politicians had attached the existence of this article with such virulence that the PM. was forced, in his conversations with the speaker and deputy-speaker of the National Assembly, on the evening of 30/10/78, to suggest that this article be dropped in the new constitution. Even before this constitutional crisis arose, the Justice Minister said (on 1/9/78) that there should be an early end to the use of this article.

Let us hope that the equivalent of article 27 does not exist in the new constitution, for much as we are against all the crimes for which it has been used, we feel that the existence of such an article inevitably leads to misuses of power, for there can be no justice if the accused have no chance to defend themselves; there can be no justice if the only evidence is police evidence; and there can be no justice when the main objective of using article 27 is for public relations purposes. It is hard enough for people in Thailand to find justice through the ordinary civilian and military court system, how much harder it must be with an article such as article 27 - the catch 22 of the government. The executed cannot be brought back to life, but we strongly advocate open trials for the 120 others already sentenced. Justice must not only be done but seen to be done.

B. Misuse of Power by Police and Village Defence Volunteers

In the last five reports "Human Rights" in Thailand, we have written about non-politically oriented misuses of power by government officials, in the hope that eventually the government will establish some mechanism through which civilians can safely make complaints about such misuses, so that eventually police will realise that they cannot do whatever they want, either to civilians or suspected criminals.

The stories reported below however indicate that the police and VDV's in all parts of the country continue to act more like the worst type of gangsters, than in a way that might be expected of the supposed "defenders of the law"; and these stories are only the tip of a much larger number of cases that are either not reported out of fear, or if they are reported we don't quite know how we should use them, without endangering the life of our source.

We feel that only if government officials and policemen can start working in the interests of the people, can the expanding hate and conflict be prevented from engulfing the country.

1. Policemen Arrest and Murder 2 Civilians

On August 25th, 1978 Police Inspector Bamnan Chayabut, Police inspector for crime suppression and 7 other policemen attached to Srisamrong police station in Sukhothai province arrested 3 men from Kirinat district and detained them in the police station. On the following day the 8 policemen took the three arrested men to a remote area of tambon Wangluk. They kicked and beat the three up until they fainted, and then shot 2 of them, Mr. Pachon Chanfak and Mr. Payap Payakadej to death. They burnt the body of Mr. Pachon and cut the body of Mr. Payap into pieces and buried them. The third man, Mr. Nei Nopaob, was brought back to the police station and was detained there.

The atrocities carried out by the 8 policemen were seen by some villagers, but all the eye-witness kept silent out of fear. Pol. Insp. Bamnan had great influence because he worked with a mafia gang in the province. He also threatened that anyone who spoke about the murder would be killed.

These terrifying murders were disclosed when Mr. Chit Chanfak, father of one of the murdered man, appealed to the governor of Sukhothai province, who ordered an investigation. On September 1st, the officials dug up the grave to retrieve the body for an autopsy, but it turned out that the body had already been dug up. However, 2 pieces of bone were still left in the ground. The 2 bones were taken to the provincial hospital and there it was proved that they were human bones. The bones were kept in the police station at the central district of Sukhothai province to be sent further to the Police hospital in Bangkok for detailed analyses.

However, on that night the bones were stolen from the police station; being replaced with two pieces of pigs bone.

After an investigation it was proved that Pol. Sgt. Narin Trisukonrat, who was one of the eight accused of the murder was the person who had stolen the bones. Narin was arrested. Pol. Insp. Bamnan was transferred to another province so that he could not use his influence to interfere with the investigation.

At present the case is still under investigation. The investigation revealed that the 8 policemen had arrested the 3 people under murder charges, and had asked for 20,000 Baht from the three in exchange for their freedom. The three had no money and so they were tortured and murdered.

2. 12 Policemen Shoot Three Innocent Civilians to Death

Three young men were shot dead by a group of policemen who mistook them for being petrol station robbers.

On August 30th, 1978 there was a news report that a group of 12 policemen from a police station at the central district of Nakanpathom province had shot three petrol station robbers to death after an exchange of fire 3 kms. from the petrol station. Police found .38mm., .22mm, and .26 guns and cartridges in the robbers car.

However, the real story of this case was disclosed when a noodle factory owner informed a senior police officer in Bangkok that one of 3 murdered men was his own son and the other two were workers in his factory. On that night the three drove to the town to buy food, passing the recently robbed petrol station and were consequently mistaken as the robbers. The 12 policemen forced them to stop the car, and, according to an eyewitness, without asking any questions, shot the three to death at close range when they got out of the car.

The father also claimed that the firearms and and cartridges which the police had claimed belonged to the three were not theirs. However their property, a cash cheque for 1,850 Baht, a gold necklace, 2 rings and one wristwatch disappeared from their bodies.

The three murdered men were identified as Mr. Somchai Tongsaipet (21), Mr. Samli Rajsut (21), and Mr. Sompong Onyai (22).

3. Loud Sneezing Leads to Assault

This ridiculous police action took place on September 1st, 1978 when Mr. Sati Arimit and Mr. Baeng (last name unknown) sat drinking together near Prato Temple in the central district of Srisaket province; at the table next to theirs was a group of 5 policemen. While the drinking and eating was going on, Baeng sneezed, and suddenly Sgt. Prasert (last name unknown) rushed to attack him, but other people in the shop

stopped him. Feeling afraid that the policemen would be angry. Mr. Sati Arimit walked to the table where the police were sitting to make an apology. His deed was misinterpreted and the 5 policemen began kicking, hitting and beating him up. They took him to the police station, but on the way began assaulting him again in front of Sripaiboon Hotel. One of the policemen took out his gun and threatened his life. Santi saved his life by giving the 500 Baht he had on him to that policeman.

At the policestation the policemen began assaulting him again until he fainted. The police put him in the jail and charged him with contempt of government officials and giving a bribe to government officials.

4. Drunken Policemen Shoot a Student to Death

On September 6th, 1978 at 0.30 am. while Mr. Prakop Khuntong (24) a first year student of Ramkamhaeng University was walking along a street in the central district of Chiangmai province, a motorcycle, ridden by 3 drunken policemen, knocked into him and rushed away. Prakop shouted insults at the motorcyclists. The three policemen turned their motorcycle around and a quarrel began which ended with one of the policemen shooting him. Prakop died at the hospital.

The two policemen Pol.Pvt. Prateep Paksilp and Pol. Pvt. Pradit Taipadung of Mae Ping police station were arrested. The other policemen fled.

5. Policeman Charged with Rape

A 25 - year - old woman Miss Somwang Srilamana who asked a policeman for help at the northern bus terminal in Bangkok was raped by a policeman in his office. Miss Somwang Srilamana said that she arrived from Chiangmai province at about 1 am. on October 17th, 1978 and approached Pol. Sgt. Luan Saengsawang (50) attached to the Crime Suppression Division who was on duty at the bus terminal to help her return to her home in Ubon-Thani province as she had no money left. She said that the policeman took her into his office and raped her until she became unconscious. Pol.Sgt. Luan was later arrested and charged with rape.

Another case occurred in early September. A school girl who had run away from her home and lost her way asked for help from Police Lance Corporal Thongchai Charoensuk at Chalburi police station. The policeman, instead of helping her, took her to a hotel and raped her and locked her up in the room for 2 days.

The mother of the girl followed her and helped her escaped from that policeman. She also charged the policeman with rape. However, other policemen at that police station helped him from being charged with the crime, did not arrest him and helped him to flee before being arrested.

6. Petition Against Police Malpractices

On September 14th, 1978 Mr. Kriengkrai Banchongchit made a petition to the Police Department that on September 6th a group of 5-6 policemen who were chasing after a prisoner fleeing from the prison went into his house to arrest the prisoner. The policeman began torturing the prisoner in his house and also for no reasons beat up his innocent 25 year old son with their guns and arrested him under a false drug charge. They also searched his house and took his money totalling 350 Baht.

A few days later Mr. Kriengkrai asked the policemen at the police station to allow his son to be cured in hospital but the policemen refused. Moreover, they did not allow him to visit his son in jail.

Mr. Kriengkrai asked the Police Department to consider the case of his son and of any other persons who were arrested without evidence and were tortured during the arrest, so that justice would be done to these people.

7. Policeman Sued for Assault

A 23 year old Pol.Pvt. Surachart Sarosorntha attached to Prachachuen police station, Bangkok was sued in court for extorting money from and assaulting a civilian. Mr. Somchai Sae Heng who filed a lawsuit against the policeman told the court that he was arrested on June 7th, 1978 on charges of smoking in a movie hall. Somchai said that the policeman asked money from him in exchange for his freedom but when he refused to give the money, the police together with two other colleagues took him to a dark place near the movie hall and assaulted him badly.

Pol.Pvt. Surachart denied all the charges. The court accepted the case for further hearing.

8. Seven VDV's Murdered four Civilians

On July 30th, 1978 seven village defence volunteers in Na muan village at Moo 4, Tambon Pipoon, Pipoon district, Nakornrithammarat province shot Mr. Sa-nguan Boripan to death in the market in front of a hundred of villagers. The incident took place in Pak-siew village of Tambon Pipoon.

The motivation for this murder was disclosed later on. Earlier in the same month, the Fourth Army had held a 'reeducation seminar' for the people in Pipoon district. During a seminar session on the law, Mr. Sataporn Boripan, son of Mr. Sa-nguan Boripan the murdered man, had asked the lecturer whether the village defence volunteers who murdered innocent villagers were breaking the law or not. The reason he raised this question was mainly because his grandfather, Mr. Sapon Pakdi had been shot dead in June 1978 by a group of 7 VDV's. The VDV.s who also attended the seminar thought that the person who raised the question was Mr. Sa-nguan Boripan and thought that he was going issue a complaint about the murder. (At that time the 7 VDV.s had dragged Mr. Sapon Pakdi from a

village scouts camp fire and shot him dead in the woods nearby). Consequently, they killed Sa-nguan to shut his mouth.

It was also disclosed that these 7 VDV.s had already killed another villager in that district. In October 1977 they killed Mrs. Poon (last name unknown), aged 55, and accused her of supporting the communist guerrillas. In the following month they killed Mrs. Suan Riyapan, (30) a pork seller, in the market Pak-siew village because they could not come to an agreement about prices in bargaining to buy pork.

Although the villagers knew that those who killed the four persons were those 7 VDV.s, they all kept silent out of fear. From the first murder to the fourth, none of VDV.s has been arrested or even called for investigation. They all live "happily" in Pipoon district and threaten the villagers not to say anything about these deeds.

C. Decree 22 of NARC is Still Very Much in Force

Many people assumed that when the Thanin government was overthrown in October 1977 the decrees of the National Administrative Reform Council (NARC) would not remain in force. Unfortunately this was not the case, and all the decrees are still considered as laws, and are still widely used (or misused)

From a human rights point of view, one of the worst of the NARC decrees, was decree 22, which allowed government authorities to arrest anyone as "endangering society" and to hold them indefinitely (30 days in the first instance, and then 60 days renewable for ever), until they had been "reeducated and given a new profession".

In the first months of the use of this decree it is estimated that over 8,000 people were arrested, with a large proportion being political cases, and other being suspected of being gangsters, drug peddlers etc. Four special centres were established to carry out the vocational training.

As time passed however, the nature of the arrests under this charge also changed, police began to use it more and more as a method of holding people for longer than official pre-trial detention periods, without them having a right to consult their lawyers; and local government officials began to use it as a way to harass people they were in conflict with, or extort money from such people.

Quite a considerable proportion of these arrested were never sent to one of the special centres for retraining, but instead merely detained for months on end at local police stations, whilst police took their time over investigations. No action has ever been taken against the police who broke the provisions of the decree in this way.

According to a Cabinet decision on May 21st, 1977, endangering society detainees do not even have the right to sue for habeas corpus though there have been a few successful attempts. Other detainees have, without success, sued for damages for false arrest. However basically it can be assumed that endangering society detainees are outside the normal scope of the law.

Since most detainees are held for periods of only 4-6 months before being released or charged with more serious offences, it is very difficult to campaign against this decree in the normal "personal" way, but instead it is necessary to attack the decree itself.

The following is a rough translation of the decree.

"A person considered to be "endangering 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, have no fixed living place 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, invoke, uses, or supports people to cause disorder in the country.
6. carry out an action that makes the people believe in other forms of regime which are not a constitutional monarchies.
7. earn a living by illegally establishing a gambling house, a brothel, or being in 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.

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.

The vocational training centers and their governing committee (consisting of not less than 3 persons) are established under the authority of the Ministry of Interior. This committee is responsible for the detention, reeducation and vocational training of the detainees and is also solely responsible for considering whether the detainees should be released or not every two months. If a release is approved this can be with or without bail."

CGRS. tries to keep lists of these people being held under endangering society charges, but because there is a continuous movement of arrests and releases (with between 24% and 46% of detainees being released every 2 months, and between 3 and 5 people being arrested under this charge every day on average) the names themselves are not too too important, and are very difficult to keep up to date.

In the past monks, journalists, teachers, university professors, labour leaders, and farmers leaders have been detained under endangering society charges. In order to give the reader some idea of the type of people still being arrested under these charges, we include the following details of recently arrested detainees.

Mr. Tawat Saengkiew and Mr. Forntep Klipburin, the owner and a reporter of the local newspaper "Chao Nakornpanom" were arrested from their publishing house in Mukdaharn District of Nakornpanom province on 30th September 1978. They were charged with helping smuggle foreigners into the country illegally, subverting the country and endangering society. Tawat is detained at the police station at Srisongkram district whilst Forntep is detained at the police station at Benpaeng district.

It seems that the real reason for their arrest was that the "Chao Nakornpanom" Newspaper has disclosed the malpractices of some influential merchants in the province who had been bringing some Lao refugees into the country illegally and trading across the border without paying taxes. Earlier, Mr. Chukiert Poonchai, a former editor of the paper, was shot dead and later Mr. Kajorn Hernmueng the current editor of the paper was also shot in his leg and lamed. Before the two newspapermen were arrested, the paper had been warned to stop disclosing the malpractices, but it did not stop. It was reported that some "influential persons" had cooperated with a military man from ISOC and a CID officer at the refugee camp to make false evidence against the two and then asked the Second Army to arrest them.

At present the editor and the editorial staff of the newspaper are preparing to sue the Governor of Nakornpanom province, the local police superintendent and the police inspector in charge of Mukdaharn police station for misusing their power, and for arrest and detention for personal interests.

Mr. Adul Manitpan (35) was arrested under endangering society charges on 13th August 1978, was at first detained at the police station at the central district of Patani Province and later on was transferred to Songkla Vocational Training Center. The reason for his arrest was that he had kept some "illegal" things for his friend, who was later arrested for political reasons. The police searched his house and arrested him. He was also suspected of supporting a muslim separatist movement, because he had gained his master's degree from Pakistan.

Mr. Kad Daodin (52), a Vietnamese, was arrested from his house in Tabao District, Nongkai Province, when the policemen searched his house and found a document with vietnamese handwriting, with details about financial

support for the communist movement. But later on after it had been proved that the handwriting did not belong to Kad, the policemen remanded Kad on another charge of endangering society. He was sent to Iadbuakao Vietnamese Detention Center in Nakornrajsima, then to Bangkok Vocational Training Center in Bangkok and finally to Ayudhya Vocational Training Center where he is still being detained.

Mr. Boonrod Chornari was arrested under endangering society charges and has been detained for 6 months already. It appears he was only arrested because he had given a shelter to his wife's brother who was later arrested under endangering society charges.

Mr. Navi Kajornrat This case is an example of how a person can be arrested because the policemen wanted a "ransom" from him. Navi was once arrested under endangering society charges and had been set free for 7-8 months before he was arrested for the second time. After he had been released, he behaved himself properly and did not break any laws, but then one day when he came to the town, he was rearrested by a policeman who said to him that he would be free if he gave the police 20,000 Baht. But Navi had not enough money, so he was detained in Ayudhya Vocational Training Center up till now.

Mr. Prasat Takayapan In contrast to Mr. Navi Kajornrat's case, this case is an example of how a guilty person can be easily set free when he gave a "ransom" to the policemen. Mr. Prasat was arrested in Sampantawong District, Bangkok, because he possessed 1.3 kg. heroin. He was charged with endangering society and was sent to Ayudhya Vocational Training Center. Mr. Prasat gave 10,000 Baht to the police and after 2 months, a policeman from Sampantawong District went to the training center claiming that the police were going to take action against Mr. Prasat, and took him from the training center. A few days later he was set free.

Mr. Boonchui Pluengsonkrao, Mrs. Somsuan Tasri and Mr. Konason Pravad were arrested on October 19th, 1978 under endangering society charges. Earlier in the same month a group of bandits robbed a coffee shop in the central district of Lopburi province. Police arrested the three persons for the robbery. But the owner of the shop said that the three were not the robbers and for no reason the police detained them further under endangering society charges.

At present there are about 530 detainees in the four official detention centres (official government statistics only apply to these centres) and a further 200 - 400 being held (for the convenience of the police - including Australians suspected of heroin trafficking, people suspected of murder etc) in local police stations.

The four official centres are as follows:

Central Region
Ayudhya Vocational Training Center

The center is in the central district of Ayudhya Province, 73 km. from Bangkok. It is very crowded. There are at present 253 detainees in the prison. Detainees are allowed 3 meals a day. The food is very bad;

during a normal week there is only one meal with small amounts of meat. Water is always not sufficient. There is only one nurse there who can only give simple medicines to the sick prisoners. Only if the prisoners are very ill will they be sent to an outside hospital.

The prisoners are detained from 2 months - one year, depending on the number of times they have been arrested (i.e. prisoners arrested for the first time will generally be detained for 2-4 months, second time 6 months and third time 12 months). But the policemen have power to veto the release of the prisoners 3 times.

The prisoners cannot leave their room except at meal times. Officially, they are allowed a visit on Mondays and Thursdays from 9:00 - 12:00 am. and 13:00 - 15:00 pm., but each prisoner can be visited only 15 minutes each time. Prisoners are sometimes whipped and tortured as a punishment.

Political prisoners are detained in separate parts of the center.

The skills being taught here is ratten craft, making such things as baskets, bags and so on. But the prisoners get nothing in return for their work.

Southern Region

Songkla Vocational Training Center

The center is located in Sountun District of Songkla province, close to the central prison. The prisoners are crowded in long buildings, about one hundred in each building. They are provided with clothing, a blanket and a place to sleep. New prisoners have very intensive training, like newly recruited soldiers. Each prisoner has food costing 6.50 Baht per day and gets meat only once a week. They are trained in skills such as metal welding, basketry, carving and so on.

There are reports of torture and other malpractices in this center.

North-eastern Region

Nakornrajsrma Vocational Training Center

The center is situated in the central district of Nakornrajsrma province, next to the central prison. The training center was built shortly after the NARC announce Decree 22 in October 1976, to detain those arrested in the north-eastern region under the endangering society charges.

The number of the prisoners here ranges from 60-100 people. Every two months a group of prisoners (number also varying) are released.

The skill being taught here is vegetable growing. The vegetables grown by the detainees are sold to the central prison nearby. The prisoners who grow the vegetables have however nothing in return for their hard work.

Northern Region
Pitsanulok Vocational Training Center

The center is in the Central District of Pitsanuloke Province. Poor food is provided for the prisoners three times a day. The prison is crowded. There are reports of torture here. Exact numbers of detainees is unknown.

The original justification for decree 22 was to enable authorities to arrest and detain its opponents, both political and criminal, without having to bother about legal questions, in the uncertain times after the October 6th Coup. Though we could never accept this original justification, we find the present situation even harder to accept, as the use of the decree is now merely to give police and local officials power beyond that outlined in the civil and military laws.

The present use of decree 22 allows people to be arrested without specific charges, detained indefinitely without knowing why, detained without ever having a chance to defend themselves or appeal for habeas corpus, and to be released only when the authorities (without discussing with the detainee) decide that they have been sufficiently retrained. There is no court proceedings, and no legal representation. No official has ever been punished or reprimanded for false arrest.

* In every possible respect it is a decree which encourages the maximum possible misuse of power and corruption on the part of the authorities, far more than any of the other unjust decrees and laws which are in force at present.

We therefore think that it is an issue that must be urgently campaigned against both inside and outside the country, for it is a decree that is being daily misused, with 3-5 people being denied of their freedom and legal rights as citizens on average everyday.

Decree 22 of NARC is still very much in force, and continues to be widely used, breaking every established tradition of justice and the rule of law.

In the next issue of the report, in order to help further conscientize people of the extent to which this decree has and is being used, we will attempt to prepare a detailed statistical analyses of its use.

2. Arrests and Releases

A. Arrests and Killings

- 28/8/78 Mr. Decha Tewanit (27) was arrested for intruding on the grounds of the pavillion of Crown Prince Vachiralongkorn. He was charged with endangering society. (Matichon 1/9/78)
- 29/8/78 Mr. Sawat Mahitya (40) and 13 other communist guerrillas surrendered (Or were arrested) at Kenangnikom sub-district, Ubol Rajthani province. According to police reports they worked in the production unit and surrendered because they could not stand the starvation and malaria in the jungle. The 14 were villagers of Nong No village, Tambon Pontong, Kenangnikom sub-district. The ages of the people arrested ranged from 6-60 years old. They are all currently detained at Karunyatep Center, Ubol Rajthani. (Siengpuangchon 1/9/78)
(Note: We suspect that these 14 people are common villagers who lived in the sensitive area and were arrested from their village, and did not surrender as reported by the police.)
- 29/7/78 Mr. Musaw, a detainee at the police station at central district, Pattani province, charged with selling heroin and endangering society hanged himself dead in the prison. Police suspected that he was sorry that after he had been arrested his wife was also arrested under the same charges. (Siengpuangchon 1/9/78)
- 30/8/78 Mr. Sompol (or Tavorn) Nualla-ong (31) was arrested for intruding on the grounds of the Royal Palace in Narathivat province, where the Royal Family were then staying. (Matichon 1/9/78)
- 4/9/78 Mr. Fim Lahad (40), a communist guerrilla, surrendered to Had Yai district chief at Songkla province. (Fangk Post 5/9/78)
- 8/9/78 Five communist guerrillas, Mr. Boonyum Kingsikiat (19), Mr. Charoon Tiamchaiyapoom (18), Mr. Lamduan Ngamkan, Mr. Nutep Salepoom and Mr. Ya Tasikiat (20), surrendered to the governor of Chaiyapoom province.
- 14/9/78 Mr. Buawan Puchuanom and twelve other persons were arrested under endangering society charges from Pangkon district, Sakonnakorn province after a "big arrest" of endangering society people. They are detained at Pangkon police station. (Siengpuangchon 10/9/78)
- 19/78 A manager of Tawipol Nanapan Co. Ltd. was arrested under endangering society charges and is now detained at Had Yai police station in Songkla province. He was accused of hiring gunmen to kill a monk. (Nation 28/9/78)
- 3/10/78 Mr. Prasit Artvichai, a communist guerrilla, surrendered to the government. He is detained at the ISOC regional office at Nakornpanom province. (Siengpuangchon 9/10/78)

- 5/10/78 Mr. Paitoon Duangta (40) was shot dead near his house in Kamkurnkaew district, Yasotorn province. The reason for his death was suspected to be a conflict with some corrupt government officials. (Mac-moon 5-9/10/78)
- 6/10/78 Mr. Vichai Sita (22), a communist guerrilla, surrendered to the government. He is detained at the Combined Civilian-Police-Military Operations Unit, Iasi province. (Siengpuangchon 12/10/78)
- 6/10/78 Mr. Vichai Lamoon (17), a communist guerrilla, surrendered to the government with a M.16 and 113 bullets. He used to live at Tambon Lalai, Kantaralak district, Srisaket province. (Siengpuangchon 12/10/78)
- 6/10/78 Two villagers (names unknown) were arrested in Kantaralak district, Srisaket province, with some firearms and bullets. The reason for their arrest and their place of detention is not known. (Siengpuangchon 12/10/78)
- 19/10/78 Mr. Boonchri Plungsonkrao, Mrs Somsuan Tasri and Mr. Komsen Preyad were arrested under endangering society charges. (See details in page 28) (Bermuang 26/10/78)
- 19/10/78 Mr. Pornter Tamtong and Mr. Somkid Malikal, a student and a mini-bus driver, were arrested in a jungle in Ubol Rajthani province with a big amount of food. Police suspected that they were carrying food to the communist guerrillas. They are detained at Najaluai district police station, Ubol Rajthani province. (Bangkok Post 22/10/78)
- 31/10/78 Mr. Pornchai Prawattano (20), a communist guerrilla, was arrested after a clash in Kiansa district, Suratthani province, because he was injured. According to police reports Pornchai joined the guerrillas after the Oct 6th incident. Before that he was a pupil at a school in Bangkok. He is now detained at the ISOC interrogation Center at Nakornsrithammarat province. (Tawan Siam 3/11/78)
- 11/8-14/9/78 An ISOC official disclosed that during the period 11/8-14/9/78, communist guerrillas were killed and 16 injured (and captured) in 69 clashes (5 in the North, 43 in the Northeast and 21 in the South). In addition the number of guerrillas surrendering to the government over the same period was 90, made up with 73 in the Northeast, 2 in the Central, 3 in the North and 12 in the South. (Nation 22/9/78)
- Col. Sa-ngiem Ratanasimakorn attached to the 2nd Region ISOC told newsmen that during 9 months and a half of this year, 166 communist guerrillas were killed in the Northeast, 427 surrendered and 70 arrested. (Nation 20/10/78)
- Over the same period in the southern flank of the Northeast 104 government personnel were killed and 304 others wounded according to the Second Police region commander. (Nation 25/10/78)

15/9 - 12/10/78 An ISOC official disclosed that between 15/9 and 12/10/78 there were 38 clashes between government and communist forces.
(Bangkok Post 23/10/78)

Releases

1st

19/9/78

Mr. Surin Suanpan was released from the charge of being a threat to the security of the state after having been detained for about one year.

26/10/78

The 12th group of endangering society prisoners were released. A total of the 281 released prisoners are 24 persons from Bangkok, 64 from the Centre, 54 from the Northeast, 30 from the North and 109 from the South. Over the period September-October it appears, according to official statistics, that 197 people were arrested on endangering society charges, and 527 people still remain in detention. It should be noted that these figures do not include those held under endangering society charges in local police stations.

3. Report from Up-Country

Again our reports from up-country concentrate on the difficult situation faced by the people in the rural areas of the country which are classified as "sensitive areas". Unfortunately, the people in these areas are faced with extreme difficulties and hardship which result from the methods of communist suppression practiced by the government armed forces, the police and paramilitary forces. Ironically, the suppression has very little effect on the GPT's movements and strength but on innocent people who live between the two forces. In former reports, we have described the arrests and assassinations of innocent villagers, for example, the assassination of Rod Thani, the north-eastern peasant leader and Abdulmani Abdulla, a southern muslim leader. In what follows we would like to give two further examples of villages in the sensitive areas, which, after the communist suppression activities began, changed from peaceful villages to places where arrest and murder became normal practices. In other cases people in the village are forced to leave their home and land to live in a new place where they are "well protected" (or guarded) by soldiers, in accordance with the government's "taking the fish from the water" policy.

We translate these stories as reported (having checked on their basic accuracy), not because we support the angry, violent, or hateful tone of the villagers, but in order to illustrate the tremendous damage being produced by existing government communist suppression activities. Too often government forces assume that all villages and villagers in areas where there is communist influence, must inevitably be communist supporters or sympathisers. Having made the assumption, they then feel free to do anything they want, for the soldiers have been indoctrinated to believe that communist are not people. Somehow the local government forces do not seem to realise that the more inhumane and violent the suppression methods used, the more their original "assumption" will be proved correct, for their suppression methods reinforce the communist propoganda.

If an increasingly widespread conflict, hate, and killing are to be avoided, there must be a radical change in suppression tactics.

A. The Story of Wangpa Village

The story of Wangpa village is quite similar to that of many other villages that becomes a so called communist infested village. These are villages where once their inhabitants used to live in peace and happiness like a big family, but since have turned into a battle-field. Some villagers were killed or arrested, others left their family and joined the guerillas in the jungle. The rest lived a life of fear and mutual mistrust in the village. The following story was told to us by one villager, members of whose family had been shot dead by government officials.

Wangpa village is in Tambon Thungtamlae, Hadyai District, Songkla Province, only 32 km. from the modern town of Hadyai. On the west of the village lies the Bantad Mountain Range, where there are many strong bases

of the CPT. The village is a 'closed' village, where there is only one way of entering and leaving. There are about 150 houses and 6 mines in the village. The villagers are mainly rubber tappers, miners, farmers or foresters.

"In 1965 politics began to play a role in our village", said one villager. The mine was open and some mine workers come into the village. "Amongst these workers were some soldiers of the CPT who began talking to the people about our poverty and its roots". The government officials also came to the village as foresters or miners. But there was at that time no clash between the two groups.

On one morning in 1970, 150 border patrol policemen entered the village and fanned out all over. Ten days before that the communist guerillas who had lived in, or nearby the village, all left the village, including about 10 villagers from Wangpa, Wang-iat and Tamaochai villages. The policemen arrested about 10 villagers (Mr. Chum Kongboon, Mrs. Dit Kongboon, Mr. Sern Kongboon, Mr. Sipan Chaipan, Mr. Pin Chaipan etc.) and detained them for over a year without trial. They established a BPP camp in the village, and since then all the troubles began.

In 1971 a group of border patrol policemen were blown up by a mine; 7 of them died and two were injured. Shortly after that one villager was killed. Nobody knew who the killer was. The officials began calling the villagers in for arms training. Seven villagers had special arms training outside the village. Later on they came back with some people from other villages who had received the same training. They became 'protectors' of the village or so-called 'village defense volunteers'; their leader was a policeman.

In 1973 three VDV's and one policeman were killed by the communist guerillas, and the situation became worse; one villager was killed in the VDV camp and later on 40 villagers were arrested and detained for 3-4 months without trial. In 1975 two villagers were killed by the guerillas.

In April 1977, one villager was shot dead and in August a surrendered communist guerilla was shot dead by the officials. In September a villager was shot dead and one month later another villager (Mr. Kieng Pola) was shot dead.

"I believe that the situation will be even worse in the future", said one villager. "The communist guerillas have become much stronger and they are not very far from the village; and the government... its main duty seems to be the suppression of communists. Many villages in our province have been relocated. The villagers were forced to leave their homes and land because of the government's policy to break all possibly supply lines of the communists. But if we villagers leave our land, we cannot live; our food, clothes and everything that is essential in life are in our land. It's a long-term execution for us", the villager ended his discussion of the government's policy in suppressing communists with anger in his eyes.

B. The Story of Ban Sanae Village

Ban Sanae is a hill-tribe village in Tambon Ngob, Pua District in the northern province of Man. In 1976 there were many serious armed clashes between the government and the CPT. forces in the province. The soldiers shelled the villages in which it was suspected that the CPT had some influence. Ban Sanae village was one of these villages. Though it must be admitted that communist guerrillas did move in and out of the village, there was no evidence that people there had joined or supported the guerrillas.

One day a troop of soldiers came to the village and asked the villagers whether they had seen the communist guerrillas passing by or not. The villagers said they had not. However suddenly these soldiers fired at the villagers' houses, chicken coops and pigsties. "The soldiers fired at our house, the roofs, the walls; lots and lots of pigs and hens died. They threw away our rice which we had stored and set fire to it."

Three days after the soldiers' misdeeds, the village headman came to Pua District to inform the authorities of what the soldiers had done. But then the soldiers in the town told him that all the villagers must move down from the mountain where they were situated because at midnight the soldiers would shell the village. "It was three in the afternoon then, he hurried from the district up the mountain and shouted to the people that they all had to move down". It was six o'clock when he reached the village. The villagers packed all their things and hoped to be ready to move by one. But exactly at midnight the soldiers shelled the village. There was a great commotion; the villagers hurried from their village, leaving most of their things on the mountain, taking only what they could carry.

They came down to the plain and stopped at Ban-Ngob village. "Here our hens and ducks were stolen. The village defence volunteers at Ban-Ngob took away our pig", one villager said angrily.

As for the village headman it was announced that he was a communist guerrilla and anyone who captured him would receive a reward of 5,000 Baht. The village defence volunteers tried to shoot him to get the money, but he fled to the town and surrendered to the government to prove his innocence. All the villagers were moved further down to a hill-tribe 'reception' center in Ban Paklang where there were a lot of people from different tribes who were facing the same destiny.

"We all want to go back to our homes and land. We can work on our land, can have hens and pigs and can hunt animals in the forest. Here we have only a small piece of land to work on which is not enough. But I think we can never go back to our village again. There are bombs in the ground. If not for the bombs, I would certainly flee back home", said one villager.

4. Academic Freedom
Freedom of the Press

In spite of the preliminary efforts of Prime Minister Kriengsak Chamanan, shortly after he had gained power to create a good image of his government by having a "honeymoon with the press", at present there seems to be no doubt anymore that press freedom is being continuously and increasingly violated and reduced. Many newspapers and magazines have been closed down or have had their license revoked, there is official censorship and frequent warnings to newspapers forbidding them to report on certain issues, etc. All these orders are carried out by the government under the provision of NARC Decree 42 which allows the press officer to censor news or withdraw the license of an editor, publisher or proprietor of any newspaper, with the injured person having no rights to bring any legal action against the order.

During the first year of P.M Kriengsak's regime (October 1977-early November 1978) nine newspapers and magazines have been closed down or have had their editors license revoked, for wide ranging reasons ^{such} as "damaging the security of the government or the unity of the people or the peaceful state" of the country.

22/6/78 Sienguangchon newspaper was closed down for one day because it published a picture of the mass demonstration of the people in October 1973 on its front page which "could provoke riot and disorder amongst the people".

30/6/78 A pro-Taiwan chinese magazine The Universal (Sakol) was closed down as its standpoint was against the government policy of recognizing only the Chinese government in Peking.

27/7/78 Editors of 3 weekly news magazines Athit, Lok Mai and Thai Wikorn had their editors and publishers licenses revoked because their reports could lead to disorder in the country and disunity amongst the people.

28/8/78 The editor of Daily News newspaper had his license revoked because the newspaper had continuously attacked the Police Department.

6/10/76 Lok Mai magazine was closed down as it had printed the pictures of the October 6th, 1976 massacre which "could cause disunity amongst the people".

13/10/78 Athit magazine was closed down for publishing satirical articles about the Prime Minister and the Commander in Chief of the Army

1/11/78 Daily News newspaper was closed down for publishing an article involving Lese Majeste. The columnist and editor were arrested, but later the editor was released, and only the columnist was charged with Lese Majeste. "Loyal" citizens organised a demonstration outside the office of the newspaper (reminiscent of Oct 6th, 1976)

It should be noted that the closure or withdrawal of license are the final and most open methods used by the government in dealing with

newspapers. There are other more covert ways of threatening the press both by word of mouth and by official letters prohibiting the press from reporting certain stories. For example, many local reporters especially those in some of the sensitive areas are forbidden to report on clashes between communist guerrillas and government forces by themselves; the news must ^{come} from government officials only. To break this rule can bring great risk to the life of the reporter.

Apart from these "legal" forms of oppression, the press is still faced with other types of threats. Many newspapers that struggle for justice and stand on the people's side are accused of being a part of the communist united front. There have been leaflets from a rightwing group sent to various private companies threatening them to stop advertising in these "communist" newspapers and magazines. Most serious of all however, many newspaper editors, reporters and owners (mainly up-country) have been assassinated, generally because they have exposed corruption, misuse of power, etc. in their provinces. During a period of one year at least 5 people have been assassinated, and in all cases no real murderer has been arrested.

28/10/77 Mr. Chukiet Poonchai (36), an editor of the north-eastern local newspaper Chao Nakornpanom was gunned down and killed together with his one year old son, because he had exposed corruption in the building of schools, sewers and roads in his province. In May '78 four gunmen were arrested

1/12/77 Mr. Uen Sangkakul, a reporter of two southern newspapers Mueng Tai and Siengrat, was invited by officials for questioning and thereafter disappeared. A few days later his body was found with the head cut off

15/7/78 Mr. Kitti Prompri (47), an owner of Nakorn News local newspaper and a reporter for several newspaper in Bangkok was shot dead in Sukhothai province.

17/7/78 Mr. Boonchan Nusari, an editor of Sieng Pat Siam newspaper in Pattani province, was gunned down and killed because the newspaper had carried stories about corruption amongst local officials.

2/9/78 Mr. Suwat Boonthanom, an editor of a southern newspaper Chao Tai, vice-president of the Southern Press Association of Thailand and member of Yala Provincial Council was shot dead because he had exposed and attacked the illegal trading and mining activities of some influential people

7/9/78 Mr. Thavorn Promkaew, a reporter of Siengpuangchon, Bangkok Post and Muang Tai newspapers was shot dead. Before his death he had exposed corruption in the building of police stations in more than 10 districts of Nakornrithammarat province involving more than a 16 million baht budget, and also exposed the case of a police major killing a civilian (Mr. Baen Kitpadung) which later on became a national scandal.

17/10/78 Mr. Satit Nantongmongkol, an editorial staff member of two southern newspapers Siam Thai and Thai Laem Tong published in Songkla province was shot dead by two gunmen. The motive behind the murder was suspected to be his investigative report against certain influential people in the province.

21/10/78 Mr. Tawan Chulrangsri, a reporter of Seriechon and Thai Raiwan local newspapers published in the north-eastern province of Nakorn Rajerima was shot dead in Udon Thani province. The apparent motive for the killing is not yet clear.

It should be noted that apart from these reported assassinations there are many more attempts at assassination, the real numbers of which are still uncertain. For example in August 1978 Mr. Kajorn Hemmuang the present editor of Chao Nakornpanom was shot because of his news report; and one of his legs is permanently lamed because of the wound.

Apart from the assassinations newspapermen are facing increasing direct harassment from police, by being arrested. For example on 30/9/78 Mr. Thawat Saengkiew, an owner of Chao Nakornpanom and Mr. Porntip Klipburin a staff reporter of the same newspaper were arrested and charged with endangering society. The two stated that they had been arrested because they had disclosed illegal trading activities and smuggling of refugees across the Thai-Laos border, being carried out by some government officials, and also because they reported on the rightwing Laotian Army Base which was being provided with firearms by provincial government officials. The governor of the province had "warned" against reporting this news at least once.

Certainly such threats, arrests and assassinations have made reporters to be more and more "careful" of the news they report. "We can do nothing. It is very dangerous. The reporters in Bangkok should help reporting the truth because it is very hard here," said one southern reporter. Whilst local reporters are faced with arrest and assassination, Bangkok reporters are faced with the problems of newspaper closures and withdrawal of licenses. However both local and Bangkok reporters share the same problem, and that is that if they speak any truth that might damage the interests of influential people or damage the security of the government, they will be in danger in some way or other.

This is why all newspapermen, in all parts of the country, have united as never before, to protest, and argue against ^{the cancellation of} the controversial Article 29 of the new constitution, ^{the controversial} this would continue to allow the government to restrict the freedom of the press.

STOP PRESS: On 9/11/78 the Police Department withdrew the license of 57 daily newspapers which had never actually been printed. More serious however is the fact that the Police Department announced that they would take legal action (according to the Article 29 of the Printing Act of 1941) against 32 papers which had a licence to publish on a daily basis but actually were printed as weeklies. This will seriously effect many of the news magazines that have been in the forefront of the struggle of newsmen to disclose the truth. It should be noted that in the past when news magazines have been closed down they have reopened using a new already licensed name. This move is that designed to prevent such tactic. This announcement was made "to restore peace and order in the country".

5. The Human Rights Situation of Workers

During the past two months there have been two interesting developments in the situation of workers. The first relates to the problems following the introduction of the new minimum wage, on Oct. 1st, and the second concerns the increasing activities of workers; activities such as of submitting petitions to newspapers, to the Labour Department or the Prime Minister; work to rule or even strikes. All these activities took place in spite of the fact that the whole country is still under Martial Law, which bans workers to organising meeting or strikes.

A New Minimum Wage

The new minimum wage rate which came into force on October 1st was fixed at 35 Baht for Bangkok and the neighbouring provinces, 28 Baht for the central region and the South, and 25 Baht for the North and North-east.

However, it should be noted that even earlier, when the minimum wage was only 28 Baht per day in Bangkok, at least 900 factories out of 3,000 surveyed paid their workers less than the rate. Usually, the employers include the cost of dormitories, water, electricity or food offered to the workers as a part of this 28 Baht (or now 35 Baht). This provides them with an excuse to pay less than the minimum wage. In short there is no guarantee at all that the workers will be paid in accordance with the minimum wage rate.

The government has failed to answer to the problem of whether and how the new wage could benefit those workers whose minimum wage was already 35 Baht or above before the adjustment, as these workers have no legally sanctioned methods of pressing for increases.

Activities of Workers

As the country is under the Martial Law it is not possible for the workers to be very active with their protests inspite of all exploitation and oppression that they suffer. The workers lack any real methods when negotiating with their employers. The workers who protest or demand for their legal rights can easily be dismissed from their work or charged with causing disorder in the country. For example, two members of the Oriental Printing and Dieing labour union were dismissed from their work because they had represented their fellow workers in demanding for special welfare allowances, and one of them was arrested on the false charge of attacking his employer.

Basically martial law, and the threats of employers prevents the workers when demanding their justified rights to do much more than presenting petitions to the newspapers, Labour Department or Prime Minister. However, there is one exception to this general complacency and that is the courageous movement of the TBS. stevedores against the introduction of a new loading system.

On September 5th five stevedores unions staged a protest against an elevator system that was being introduced by the Thai Bulk Services (TBS) Co.Ltd. on September 8th. They stated that the new process for tapioca loading would lead to the unemployment of 4,500 workers.

The strike earlier scheduled for September 6th was called off after the government ordered a suspension of the elevator system until certain measures had been taken to prevent unemployment. On September 2nd the TBS. employers agreed to pay a total compensation of 750,000 Baht to 915 workers. This solution was not accepted by the labour unions but was approved by the government and the Labour Department. On October 21st the Minister of Interior had the marine police guard the TBS. and on October 22nd PM. Kriengsak said that "the benefit of the majority (the use of the elevator systems?) cannot be effected by that of the minority (the stevedores?)". On October 23th thousands of stevedores staged a strike, which though it lasted only a few hours caused millions of Baht of damages. The struggle of the TBS. workers will certainly continue and even the Labour Department has asked for full information to reconsider the issue.

This issue has raised many important questions. Firstly the extent to which private profit predominates over the welfare of a larger number of people. Secondly the extent to which Thailand should be mechanising when there are over a million unemployed workers. Thirdly the degree to which people should be treated merely as tools to serve the economy (e.g. the PM. suggested that the unemployed stevedores could be moved to work the mines in the south of Thailand, replacing the expelled Burmese workers). Finally the degree to which politicians try to gain political (and possibly also financial) capital out of important labour conflicts - the PM., Sern, and Prem have all become involved in this TBS. issue in one way or another.

At the Thai Nylon Company some 400 workers marched to the company office on September 12th to present a wreath to the management and to burn the effigies of 2 Japanese executives in protest over their unfair treatment and in demand for more wages. The workers charged that the company failed to promote Thais to executive posts although the company had received Board of Investment promotional privileges and hence had an obligation to encourage Thai workers to rise to the management level. On September 21st the company agreed to increase the workers' cost of living allowances.

Apart from these 2 major active protests, other protests carried out by workers were through petitions. For example, on September 7th a group of 126 workers of the Japanese Ajinomoto Company filed a complaint with the Labour Department charging their employers with firing them without paying compensation according to the labour law. The workers stated that their management was dissatisfied with their recent demand for an additional cost of living allowance and consequently stop employing the workers. On September 28th Kanchanaburi Paper Mill workers submitted a petition to Kriengsak concerning the Industry Ministry's decision to close down the mill which would cause unemployment of some 290 workers. Before that on September 20th workers of Ao Khamtin Mining Company submitted a petition to Kriengsak claiming that 300 workers were facing dismissed because the Mineral Resources Department had failed to renew the company's

mining concession in time. The workers claimed that their company had provided excellent welfare and treatment but the Mineral Resources Department had prolonged the concession procedure so that another bigger company got the concession.

Most of these petitions received no answer. Since the workers have been cut off from their final weapon which is to gather or to strike, they cannot solve their fundamental problems.

Daily, new cases of exploitation, and breaking of the labour law arise. For example at the beginning of November, a "slave factory", where 56 young children were forced to work 16 hours a day wrapping sweets, given usually only rice and fish sauce to eat, and never allowed out was discovered. This discovery led to the realisation that there was a well developed system of renting children from poor rural families (especially in the N.E.) for work in similar Dickensian conditions in factories all over Bangkok. Since many influential capitalists are involved it is unlikely that the system will be cracked.

Very often the problem (as with this slave labour) is not so much with the Labour Law itself, but with the fact that influential business men have the power, the understanding, and the connection to get around the law. This is why we have very little hope that the new Labour Courts being set up by the government will help the labourers -- on the contrary they will probably largely be used against the workers, for only the employers will have the resources to hire lawyers to fight cases, only employers will have the time to wait whilst a long drawn out legal process takes place, and only employers will have the right connections to influence the proceedings.

The Labour Law, and the Labour Courts are one thing, but if the workers do not have the right to struggle non-violently for their own welfare then Labour Laws will continue to be broken by the employers, workers will still be dismissed from their work without compensation, labour leaders will continue to be harassed, and so on.

This will lead to increasing anger and frustration on the part of the workers, and building up to an exploding point. Capitalists and government leaders must begin to realise that one huge section of the population cannot be kept in oppression for ever, and thus that it is in their long term interests, to allow workers to express their demands and needs, and to respond positively to these demands. The more united the workers become, the quicker the elite is likely to realise their importance.

PART THREE : ACTIVITIES OF CGRS. AND OTHER HUMAN RIGHTS GROUPS

1. Activities of CGRS

During the past two months CGRS still actively continued with its basic regular activities such as visiting and helping political prisoners and their families, listening to trials providing an increasing number of political detainees with legal assistance, and exposing misuse of government power. In addition to this normal work, it has also taken on many other Human Rights activities designed to produce greater consciousness of the plight of political prisoners and other Human Rights problems in the country.

A. Visiting, Helping Prisoners and Their Families

Although in August and September twenty-three prisoners that were being regularly visited and assisted by CGRS were released, CGRS still has a large number of political prisoners and their families to take care of. CGRS thus continued actively visiting and helping prisoners and their families both in Bangkok and up-country, by providing them with moral support, encouragement and all necessary assistance both on a regular basis and in response to their special demands and needs. As for some of the newly released prisoners who were faced with financial problems or other types of problems and difficulties, CGRS continued to help them so that they would be able to stand on their own legs and live properly in the outside world. For example, it has given financial support to the unemployed Mr. Surin Suanpan and his family with an initial contribution of 1500 Baht, and an indication that if he wanted to start a new profession, it would also be willing to help (over the first investment - through an interest free loan). In addition, when the Bangkok 19 were released, CGRS, in order to create greater consciousness amongst the Thai people about the problems of political prisoners in the country, wrote an article and two long letters in three newspaper on the issue, telling the people that apart from the fortunate Bangkok 19, there are still many more political detainees suffering in prisons all over the country.

B. Listening to Trials and Providing Legal Aid

CGRS kept monitoring, noting down, and systematically filling details of trial proceedings of many groups of political prisoners both in Bangkok and up-country. It also provided legal aid to the prisoners and gave financial support for documents, travelling and lodging expenses to the lawyers defending political cases. In addition, for some cases where even legal aid could not help the prisoners find justice, CGRS has tried in some way or others to provide further assistance. For example, it has helped the Surin Three in lodging a petition against the malpractices of their lawyer with the Bar Association, promoted an international campaign, and created national press and public interest on the case.

C. Other Activities of CGRS

1. October 6th Memorial Ceremony

On October 7th CGRS held a "Religious Ceremony for Peace Loving People" at Mahatma Temple (situated next to Thammasat University). In this ceremony representatives from the Buddhist, Catholic and Protestant religions held their

religious ceremonies, prayers, or speeches about the incident that took place on October 6th at Thammasart. The representatives from each religion showed great concern over the "error of that incident which ended in the injury, death and imprisonment of thousands of young people. They prayed for these people and wished for a future where such errors would not take place again, due to the efforts and actual deeds of the religious and peace loving people.

The ceremony was attended by over 300 people including the Oct 6th ex-detainees and their relatives and relatives of those who died in the incident.

The ceremony received considerable press interest. Three newspapers, Matichon, Athit and Siam Rat, made a big reports with pictures of the ceremony.

In addition to this ceremony, CGRS cooperated with the Oct 6th victims and their relatives in making a merit for these who died in the incident, at the Monk's Hospital and also presented a memorial wreath as a part of the activities held in Thammasart on Oct 6th.

2. Petition for the Release of Political Prisoners

On the occasion of the ordination of the Crown Prince Vajiralongkorn on November 6th, 1978, CGRS submitted a petition to the Prime Minister, on October 17th, urging the government to grant amnesty to prisoners of all categories including those charged with being a threat to the security of the state (for example, Supap Pasa-ong group, Udom Pka-krong group, Bamrung Charanyanon and Sombocn-Vichai Banlusilp), those arrested unjustly under endangering society charges and those arrested for illegal immigration who were waiting to leave the country, (for example Wirat Iruen). Earlier the Prime Minister said that the government was planning to grant amnesty to the prisoners on this special occasion with the exception to those detained on charges relating to the Royal family, National Security and Article 27 of the interim constitution.

This activity has gained considerable press interest. Four newspaper, Siengruanechon, Matichon, Siam Rat and Nation reported in detail of this petition.

On October 20th, the Prime Minister in reply to reporters' questions about the petition, said that "such an amnesty has to be studied thoroughly". (Matichon 21/10/78)

On November 3rd, the Prime Minister's deputy secretary for politics, sent an urgent letter to CGRS saying that the Deputy Prime Minister acting for the P.M had ordered the Ministry of Interior to urgently consider the case. However on Nov 6th no releases took place.

3. Handing over Submission of 31,086 Donations to Defend Cnnoi Case

Our readers might remember that in January-February 1978, CGRS organised a campaign to raise bail money to bail out the defendants in Cnnoi (Supap Pasa-ong) case. At that time CGRS managed to raise 31,086 Baht from people from all walks of life in Thailand (in small but many donations). In August CGRS formally applied to the court to grant bails to five workers with 1,500,000 Baht of rented land title deeds (paying a rent of 20,000 Baht for these deeds). However, the bail request was refused by the court.

Consequently, on October 18th, after having discussions with the defendants in the case and reached an agreement of how to spend the money, CGRS handed over the money to the leader of the group of defence lawyers, Mr. Tongbai Thongpao at the office of the Lawyers Association of Thailand. On that occasion, CGRS representatives and Thongbai made public speeches about the Omnoi case and the problems with the bail.

Again, this activity gained wide press interest, with three newspaper, Matichon, Athit and Nation making reports on the activity and on the case itself. This brought the Omnoi case into the public eye again. For example, a few days later (23/10/78) Athit published a further report on the long-drawn out legal procedure of the case, and on former campaigns mounted by different groups (such as Amnesty International and CGRS) for the people in this case.

4. December 10th Campaign

CGRS is spearheading the preparations of activities in Thailand to commemorate the 30th anniversary of the UN Universal Declaration on Human Rights.

The detailed plan of activities was already reported in the previous report, which include for example painting and slogan competition, producing cards, pamphlets, balloons, paper flowers to be distributed widely, producing a Thai declaration on Human Rights to be signed by as many people from as various professions as possible, holding a week long painting and slogan exhibition plus 3 days (Dec. 8th-10th) of a debate, film and slide shows, music shows, poetry reading, theatre, shadow puppet show and other cultural activities, all of which concern with the Human Rights issue.

In all these activities, CGRS tries to get as much support from as various sources as possible. It has for example get a support from the Ministry of Education on the painting competition.

Apart from its own activities, CGRS also tries to have as many people from as wide a range of groups as possible taking part in this campaign by mounting up their own activities. So far, student unions from various colleges and universities, some newspapers and magazines, the Labour Council of Thailand and the Woman's Council of Thailand are prepared to join in this campaign. In addition, many more groups are expected to be involved as this campaign gains steam.

2. Activities of Other Human Rights Groups

The widening interest in human rights activities can be seen from the way in which a large section of the serious Thai Press has constantly reported on detail on all the activities of CGRS over the past two months, and have in addition carried various feature articles and interviews on CGRS. It can also be seen from the degree to which a very large group of different organisations are cooperating with, and participating in the activities planned for the 30th Anniversary Celebrations of the UN Universal Declaration of Human Rights.

Up to CGRS's original involvement in the area of human rights just after the bloody coup of Oct 6th 1976, there was very little widespread consciousness

of basic human rights. Now, thanks to active support of hundreds of lawyers, intellectuals, journalists, and people from all walks of life, the issue of human rights is becoming one of widespread public concern, and one where even politicians are beginning to realise in an area where they can make political capital.

Thus in the past two months, it is not so much that any new human rights groups have been formed, or that the existing groups have been formed, or that the existing groups have mounted new initiatives, but far more, that finally with the amnesty of the Bangkok 19, human rights has become an important and respectable issue in widening circles of the population.

The small group of lawyers continue to donate their time freely, and risk their lives, in the defence of political cases. The leading figure in this group (Thongbai Thongpao) went on a lecture tour to Australia and New Zealand, just after the Amnesty of the Bangkok 19, to explain that case, and to draw attention to the large number of political prisoners still requiring assistance. Steps are still being taken to establish the foundation mentioned in our last report, but the lawyers are not waiting for its creation, but are carrying out a continuous struggle for greater justice.

The Human Rights Research Group, is now actively carrying out detailed research into the areas of greatest concern.

Altogether this two month period has been an extremely encouraging one for the development of a consciousness and support for human rights within the country.

PART FOUR SUMMARY OF THE NEWS

1. The General Political Situation - The Government Side
A. Overview

This has been an extremely confusing and unstable two month period with the political situation being more fluid, and uncertain than it has been for a long time. At some moments there has been the feeling that Kriengsak has weathered the storm created by his opponents (both on the right and the left), and then a few days later a feeling that he might fall any day reoccurs. The same is true of the direction the Kriengsak government is taking. At some times it seems as if there is a real move to a more liberal stance, and then only a few days later major concessions are made to the right.

However, one thing is apparently clear, and that is that Kriengsak has definitely lost the active support of the ultra and middle right of the armed forces (Prapass, Sangat, Yos, Thep, Serm) and his main efforts with these groups have been to try to prevent providing them with a sufficiently strong issue around which they could unite to stage a coup. Thus each time he has taken a liberal action (e.g the Amnesty) he has at the same time taken an action to satisfy one or other of the opposing rightwing groups.

For example when he responded to mounting pressure from all liberal forces to make the new constitution more democratic, this decision was accompanied by his backing down on the draft revised "Communist Suppression Act". Similarly the Amnesty of the Bangkok 19, was accompanied by hints that eventually most of the Thanom/Prapass/Narong properties would be returned (it is certainly likely however that Kriengsak has held this "confiscated property" trump card too long in his hand for it to be really useful). Again when he made the major move in the reshuffle of the military forces by taking effective power away from Serm, he also promoted various "right wingers" (e.g.Thep) to prevent any concerted opposition developing.

In trying to understand the present political situation, there is at the same time too much information (hundreds of rumours being reported as facts), and also a lack of some of the most crucial information needed.

For example, it is extremely important to understand why the Kriengsak government is taking liberal actions in the first place. Is it because he really believes that such action is correct, and is therefore a part of a well planned and thought out strategy? Or is it a last ditch attempt to obtain support from somewhere and anywhere, it being completely clear that whatever the government does it will not have the support of the right? From our analyses of the situation, and the background of many of the personalities involved, it seems much more likely that the second explanation is closer to the truth, and that Kriengsak is playing politics on a day to day basis. The Kriengsak government has never had any real base of support in the armed forces, and with its hesitation over the confiscated properties, its inability to keep "order" in the country, and its courting of Thailand's communist neighbours, the right can never have any trust in the government. It seems that Kriengsak does not even have any power base in the more liberal sections of the armed forces. Thus his present tactics can also be

seen as way of trying to ensure that he will win any elections that might take place in the future, so that his power can be maintained through a form of "democratic legitimacy". Hence his support for a "grand coalition government", his moves against the National Policy Council appointing assemblymen, the amnesty etc.

Over the period September-October there have been four major issues, that all sides have tried to exploit; namely: the Amnesty of the Praetorians 19; the annual military reshuffle; the draft of the new constitution; and the revision of the communist suppression act. Each of these issues have produced a surge of coup rumours (from the right, and even from Kriengsak himself). At the same time various minor issues have been woven into the political fabric, including the question of the confiscated properties, the salary of civil servants and judges, the mechanisation of the docks and the strike and the threatened action by the stevedores, the demonetization of the nine sided five baht coin, and even the flooding in outer Bangkok. In addition various factions have as usual been trying to exploit a whole host of other minor issues, such as trying to create an impression that clashes between communist and government forces are increasing (showing that the government is not able to control the situation); student strikes; the appointment of the new rector at Ramkhamhaeng University (the same man who was the originally spark that caused the October 14, 1973 uprising); etc etc.

All these issues, particularly the major four, are closely interwoven, and thus it is difficult to deal with any one in isolation, as in one issue a concession might be made to one side, necessitating a concession to another faction with the next issue. However in the following paragraphs there will be a very ^{brief outline of the} events related to the major issues. However, before embarking on this a short description of the way the P.M operates will be provided.

B. The Prime Minister's Method of Operation

Given Kriengsak's lack of any strong political power base in the army, his survival seems to be extremely dependent on media-manipulation. He has proved himself a master at using the media, particularly the newspapers to determine what direction he should be taking. Generally speaking, before embarking on any controversial policy, he or one of his close supporters, float a few weeks in advance a very vague suggestion about the particular policy. Newspapermen then rush around the place collecting comments from important people, the general policy, carrying out public opinion surveys (e.g. 63% of Bangkokians are against holding elections; 89% support Kriengsak - just after the amnesty, 75% consider General Prem to be the best minister - just before the reshuffle; 91% are against the return of the confiscated properties, etc etc), and so on. Shortly after floating one opinion, he will then give another interview floating the opposite opinion, and the same work will be carried out for him by the journalists. In some issues (e.g. over the revision of the constitution, and the question of elections) he might float up to three or four ideas, before moving to the next step. This second step involves making a hint that something definite might be done. With this hint he then carries out a very careful sounding of the feelings of the different power camps. If he thinks things are "safe" he will then politely request (or

indicate that the suggestion comes from elsewhere) someone else to take the necessary action (and responsibility). Finally when the initiative is successful, he will move forward and claim all the credit, and make the greatest possible political capital out of the issue.

Certainly beside the political skill of Kriengsak, most of the other military "politicians" seem like blundering fools.

C. The Amnesty of the Bangkok 19

Though internal, and external pressures for an amnesty of the Bangkok had existed for more than a year, the first hint that something was in the air occurred on 1/9/78 when it was announced that all rewards for the capture of those who fled to the jungle after Oct 6th, 1976 would be removed, to encourage them to surrender. This move produced very little reaction and thus on 12/9/78 the first definite hint that something was in the air was made. Press, public, and even middle-right military reaction proved very favourable, with the only really negative reaction coming from the Red Gaur (a military alert was even called by Serm in favour of the amnesty). Thus on 14/9/78 a definite request was made for the National Assembly to consider an amnesty bill, which was passed on 15/9/78 with little disension. The next day the 19 were released after 711 days in jail. The P.M immediately invited them to his house, cooked a meal for them and joked with them. By 19/9/78 he felt he had gained all the political capital he could out of the case, and asked that all celebrations should be toned down (so that others could not gain from the issue). By 25/9/78 village scouts, the patriotic housewives group, and other people were beginning to attack the P.M over the amnesty, but interest had already died down.

Through the amnesty the P.M strengthened his human rights image (immediately obtaining permission from ^{the} US for ^a second squadron of F5E fighters (26/9/78), thus pleasing the airforce); discredited to a certain extent the extreme right who had planned the October 6th coup (Samak, Minister of Interior in the Thanin government said on 17/9/78 that the Kriengsak government was a lousy government); improved his public image; and obtained useful information to be used in the military reshuffle.

D. Military Reshuffle

Every year the military reshuffle is extremely important, as it determines the political power balance in the coming year. This year it was even more important, as it became obvious, when Kriengsak appointed himself as Minister of Defence, he was going to use this reshuffle to try to create some power base for himself in the Army. The details of the reshuffle are too complex to deal with in this report, but the most important issue boiled down to whether General Serm or General Prem should be Commander in Chief of the Army, in other words whether the commander would be someone who could participate in a coup, or someone unlikely to do so.

Kriengsak as P.M, Minister of Defence, and Supreme Commander was in the position to make the changes himself, and with the help from M.R Kukrit,

and suggestions that he was carrying out the King's wishes, he managed to get away with promoting Gen. Prem, shuffling Gen. Serm up to Supreme Commander and out of ISOC (with no concessions except making him an admiral and an air marshal). Generally speaking he moved most of the politically active soldiers to inactive or unimportant positions (e.g. Red Gaur leader Maj. Gen. Sudsai Hasdin was moved to an inactive post), and made a general move towards promoting more liberal and professional soldiers. He did however (as a part of his tactic of dividing the right) have to make some concessions to his opponents, and for example promoted Lt. General Thep Kranlert (an associate of Yos and Prapass) to the crucial position of commander of the 1st Army (Bangkok) region - but with Gen. Prem over him as Bangkok peacekeeper.

This reshuffle, almost produced a coup from the Serm faction in the army (to be led by Lt. Gen. Annard Damrigarn), but did not because this faction was taken by surprise expecting all along that Serm would come out as strongman (an assumption that Kriengsak encouraged)

Kriengsak was perfectly aware what he was doing in the reshuffle, for he said on 22/9/78 "people who create robots, would one day realise that they can't control the robots they created".

E. The Crisis Over the New Constitution

The constitution drafted by the Constitution Drafting Committee was far from democratic, but after being amended by the assembly's "Constitution Scrutiny Committee" it turned into one of the least democratic of a whole host of un-democratic constitutions in Thai history. Basically it was turned into a constitution to please the ultra-right in the military, and particularly those in the National Policy Council (chaired by Admiral Sangad)!

Since the original constitution gave a great deal of power to the NPG, one cannot help suspecting that Kriengsak encouraged the scrutiny committee to "worsen" the constitution, to enable him (through public protest) to counterattack, and get rid of the suggested power of the NPG. (Sangad, in the original version was the person who would appoint the senate, and in the revised version half the assembly).

Again, as with the reshuffle, MR. Kukrit Praroj spearheaded the attack against the constitution and advocated "hacking the trees down before the roots engulf us all".

From mid-October the protests against the constitution grew, over Article 29 (which protected the freedom of the press, and its cancellation probably intentionally was discussed in secret); about the role of the NPG; about whether there should be two houses or one; about who and how many senators or assemblymen should be appointed; and finally about whether there should be an article similar to article 27 of the interim constitution giving the P.M. absolute power.

By the last week of October virtually all the old politicians had joined the protest, the "Young Turks" in the army were pressing for amendments;

and even labour unions had started to voice their disagreement. In addition because of the (intentional ?) mishandling of the issue of Article 29, all the press was up in arms against the revised draft constitution.

Again coup rumours spread, and on the evening of 22/10/78, all radio and T.V station were put on alert, this time with the possible coup coming from the Young Turks (later the P.M claimed that all the problems were caused by one psychopath who sent a few cables - a Mr. Sathap, who was later arrested for rape !).

For a while ~~there~~^{was} a feeling that this time the P.M was really out of his depth, changing his mind daily, over who should ammend the revised draft and when. However, after a stormy cabinet meeting on 30/10/78, where definate splits appeared between old hand military, and other members of the cabinet, the P.M called the speaker and deputy speaker of the assembly to his house, and politely asked them to arrange for the draft to be revised.

On 2/11/78, the constitution was sent back to the scruting committee, and by 3/11/78, most of the controversial points were settled in the P.M's favour, which suggested that perhaps the whole crisis was created by him, to further his interests.

F. Revisions to the Communist Suppression Act

Everything has its price however, and the price that had to be paid to the right for the more democratic constitutions and General Prem's appointaent to the head of ISCC, was the death of the more liberal communist suppression act.

Throughout September and October there had been suggestions that there would be a move to a more liberal policy of communist suppression. This started off with the removal of rewards for captured communist (1/9/78); continued with an announcement that minorities (hill tribes, Burmese, and particularly Gambodian refugees who are forced to help) would be totally banned from road protection and communist suppression activities (20/9/78); followed by a suggestion that the real problem that would have to be tackled would be the corrupt officials and influential business men (11/10/78); followed by General Prem's appointment to the head of ISCC (30/10/78); followed by a decision to control Village Defense Volunteers more closely (2/11/78); And throughout the period after athe amnesty, there was much more gentle use of the PRD radio with it no longer accusing all progressives as communists but trying hard to show up the difference between progressives and communist (obviously certain right wing military stations carried on their usual diatribes)

However the most important change in the policy of communist suppression, was the proposed ammendments to the communist suppression act. Originally the revised act planned to eliminate the "sensitive provinces" (where there are special laws, and also allowances for officials); to reduce the number of people falsely arrested as communists by firstly insisting that all those arrested on communist charges should be reported to ISCC headquarters withir 48 hours, and secondly by saying officials who charge people with communism without

sufficient evidence could be punished; to insist that autopsies should be carried out on all people being killed in conflicted areas; and finally to abolish the posts of regional and provincial communist suppression officers. The most important points in the revision from a human rights points of view, were the provisions about arresting people, and the ones about autopsies.

Obviously there was a lot of objections to this act, with for example the army objecting to the autopsies (20/9/78), General Serm taking a more militant stance on communist suppression (5/10/78); and even the P.M challenging the communists "to come out and fight" (29/10/78).

When the draft act was published (2/11/78), all these concerned with justice, human rights, and a reduction in conflict were disappointed, as the two crucial provisions (about being very careful before arresting anyone as communist, and the autopsies) were cut out, and only the more dubious amendments remaining. The annulling of the category of the sensitive provinces means that the Communist Suppression Act will now apply to all provinces in the country not only to the 33 classified as sensitive. For example; if the act is passed as it now stands, those charges with communism in the presently non-sensitive areas, will be able to be detained pre-trial, for 480 days, instead of the current 210 days. Only three possibly useful points remain in the draft, firstly the bringing of communist suppression activities directly under the command of an overall coordinator in the P.M's office (thus increasing the P.M's power but reducing the potential for misuse of power in the provinces), secondly reducing the budget for suppression activities (special allowances for officials and spies), and thirdly the provinces will no longer be encouraged to create incidents within their provinces so that the provinces will be classified sensitive. In the past such incidents were created in order to obtain a sensitive classification which then enabled special allowances to be paid to local government officials.

Though there will still be a fight over the amendments, it seems likely that the present unsatisfactory draft will be approved.

2. The General Political Situation - The Revolutionary Side

It seems that the so called "united front" of the CPT and the SPT is beginning to be seriously effected by the big-power struggles in the communist camp (Laos/Vietnam/Russian axis, vs Chinese/Cambodian axis).

The CPT has always been more pro-Chinese than pro-Russian, but up until quite recently was receiving support from both sides. However as the Vietnam-Chinese split has grown, this balancing act of the CPT has no longer been possible to maintain, and thus relations between the CPT and Vietnam/Laos have deteriorated so much, that the Vietnamese are not only willing to stop supporting the CPT (Vietnamese P.M Pham Ven Dong made a public announcement to this effect) but are also trying to build up the SPT (Socialist Party of Thailand) to become a counter force to the CPT.

Thus currently little assistance for the CPT, in terms of sanctaries, training facilities, and supplies, is passing through Laos, though there is an increasing assistance for the SPT. The CPT is becoming increasingly

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more dependent (to the extent they are dependent on outside support) on Chinese and Cambodian support (Vice P.M Teng of China publicly announced Chinese support for guerillas would continue).

The net effect of the involvement of the big powers in the Thai guerilla struggle is that a big difference of viewpoint is developing between SPT and CPT, to such an extent that there might be a formal break up of the "united front" any day now.

The government is aware of this growing split between the CPT and the SPT, and is also (at a central policy level -- through radio and other means) trying to woo the SPT out of the united front.