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**HUMAN RIGHTS
IN
THAILAND REPORT**

NOVEMBER ~ ~ DECEMBER 1978

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ความเป็นคนก็ไร้ค่า

HUMAN RIGHTS IN THAILAND REPORT

NOVEMBER - DECEMBER 1978

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Cover: One of the winning children paintings and slogans on human rights from the competitions held by CGRS. to commemorate the 30th Anniversary of the Universal Declaration on Human Rights. The slogan can be translated: "NO HUMAN RIGHTS - NO HUMAN DIGNITY".

INTRODUCTION

Looking back at 1978 we can see, that despite some setbacks, it was a year where considerable progress was made in the human rights field. Two years ago, after the bloody coup of Oct. 6th no one could have guessed that in such a short period of time all the 3,145 students and people arrested at that time would have been released, endangering society prisoners reduced from 8,000 to around 600, political gatherings allowed, newspapers daring to print many truths, and workers beginning to strike again without reprisals. However, it is not only that many of the evils of the coup of Oct. 1976 have been undone during the past year or so, but also, and perhaps even more important, a consciousness has begun to be created in the country that governments do not have the right to oppress or arrest people at will. Words such as Human Rights, Amnesty, Political Prisoners, have in the past year moved into the vocabulary of a large segment of the population, and a foundation is beginning to be laid which will make it harder for any group to act with the disregard of basic rights that the Oct. 6th coup plotters showed.

Of course the victories are much smaller than the challenges ahead, since martial law is still in force, as are most of the decrees of NARC; ordinary people have little protection from the law; misuses of power remain rampant; and the poor are still oppressed and exploited. Nevertheless during the last year the overall direction has been positive.

The trend during the last two months is unfortunately less clear. On the positive side workers have begun to openly challenge martial law and the decrees of NARC, student actions have accelerated, and the new undemocratic constitution at least does not include an article giving the PM. absolute power similar to article 27 of the interim constitution. On the negative side the government has made strong attempts to control newspapers, and the new communist suppression act provides the authorities with the potential to deny any rights to anyone in the country at any time.

Turning now to this report itself, it is as usual divided into four self contained parts. The first part opens with the case of the CGRS. workers, where despite the fact that a 300 day remand period has been completed, no progress has been made. It seems that the authorities are in no hurry to remove the threat over the head of CGRS.

As usual, the other cases that we report on are notorious for the slowness of the proceedings, and the lack of any really substantial evidence. In most of the trials which we are following the accused waste many years of their lives in jail before the court reaches any decision. For the length of pre-trial detention the case of Sombat Charaskul breaks all records. The legal maximum pre-trial detention period of 480 days was up on 29/12/77, and at that time he should have been released. In November 1978 he was still being detained without being charged, and was asked to sign retroactively the prosecution papers at that time.

Thanks to the campaign of friends overseas Thongchan Srinual and his friends have still not been executed, and their case has still not been finally rejected by the supreme court. The malpractice suit against their lawyer is still being studied by the Bar Association of Thailand.

Part Two opens with the relatively good news that the summary powers of the PM, under article 27 of the interim constitution are being used much less than in the past, and that the new constitution does not include a similar clause. However this good news is followed by a continuation of our depressing chronicle of misuses of government power in all parts of the country. What is even more worrying is that even when the culprits are arrested, very rarely (if ever) are they punished for their crimes. A good example of this is the case of the seven policemen who raped and robbed a boatload of Vietnamese refugees in April 1978 (see "Human Rights in Thailand Report - March-April 1978"). These refugees were quickly moved to France, so that there would be no witnesses, and consequently the 7 policemen were acquitted of their horrendous act by the court at Pakpanang in Nakornsri Thammaraj on 29/12/78.

We are becoming increasingly concerned about the rights of refugees that are being infringed by officials in many provinces. We feel that to destroy the deservedly good reputation of the Thai Government in receiving refugees for a few short term political gains of dubious value is something that should be resisted strongly. We are particularly concerned by the increasing incidents involving the forced use of refugees in anti-insurgent activities inside Thailand. Not only do we feel that most refugees have suffered enough already, but we are also strongly against any steps that expand the conflict and killing inside the country.

Arrests on endangering society, communist and other political charges continue in all parts of the country particularly in sensitive areas. For example the number of official endangering society prisoners has increased by more than 10% (to 581) over the last two months, with at least 308 people being arrested on that charge over the period Nov - Dec 1978. The actual figures are always somewhat higher. We feel that Decree 22 of NaRC no longer has any justification (if it ever had?) and should be abolished as soon as possible. We would appreciate suggestions from our friends as to how such a campaign could be mounted.

We are also becoming increasingly concerned about the Karoonyathep Centres 'God's Mercy' established in 38 places for the extra-judiciary interrogation and reeducation of "communists" and "communist sympathisers". We find that the degree of fairness, and openness in their operation varies widely from region to region.

In our report from up-country an interesting indication of the attitudes of many government officials in sensitive areas is provided by a statement of the District Chief of Pipoon in Nakorn Sri Thammarat (implicated in the murder of the three monks reported in "Human Rights in Thailand - April 1977") on his transfer to Ron Pipoon. In this statement he suggested that since Thailand has 45 million people, getting rid of 2-3 million "communists" would be no problem.

Newspaper, and newspapermen have been facing increasingly great problems over the past two months. The second largest daily was closed down for several weeks and a columnist and the editor arrested and charged with Lese Majeste. Large numbers of "reserve licences" (which enable progressive papers to reopen after they have been closed down) were withdrawn, and action threatened against journals and papers using 32 of such reserve licences. Threats were made against papers by various high level military and government officials. Finally three progressive and courageous provincial newspapermen were assassinated. Fortunately there has been great unity amongst newspapermen in opposing these moves.

On the labour front the inability of the government to strictly enforce the labour law (both in terms of "child slavery" and minimum wages) is commented on in detail; as is the fact that the better off, and better organised labour unions are beginning to challenge martial law and the decrees of NARC, and are achieving many of their demands through not backing down to pressure and threats from government. However the majority of workers remain less organised and more oppressed than before Oct. 6th, since without the legal right to strike or hold meetings, the unions (at least the politically impotent ones) produce few benefits for their members.

In Part Three the activities of CGRS. and other organisations active in the field of human rights are described. Most significant was the large conscientization campaign which took place on and around the 30th Anniversary of the Universal Declaration of Human Rights. Throughout the country there were competitions, exhibitions, panel discussions, films, poetry, readings, slide shows, plays, and other artistic performances on the subject of human rights. Though CGRS. spearheaded these activities, there was very wide participation, including from the Ministry of Education, intellectuals, student activists, religious groups, and newspapermen, so much so that it really became a national campaign. In addition to the above activities CGRS. organised directly symbolic actions, such as releasing birds outside a prison where Supap Pasaong and his friends were being held.

The other significant movement in the H.R. field is the increasing interest that a wide group of lawyers is showing in terms of cases involving injustice, such as the enclosing of public lands, charging excessive rents, as well as political cases.

In the Summary of the News in Part Four, the continuing inherent instability of the political situation and its causes is discussed. In addition particular emphasis is placed on the whole manoeuvring behind the final approval of the new undemocratic constitution, where the PM. was trying (successfully) to make certain his continuation in power, against the efforts of the military elite in the NPC; as well as on the Laotian border incidents which occurred just at the time the PM. was supposed to go to Laos.

The most important issue discussed however is the revisions to the communist suppression act. All those who are concerned about maintaining the rights of the people, and about preventing misuses of government power, are extremely worried about this act. This is because basically it extends the special powers held by authorities in sensitive areas to the whole country, and allows:-

- anyone to be detained for interrogation and reeducation for up to 15 days.
- those suspected of communism to be detained for up to 480 days before charges are formally placed.
- anybody's house or person to be searched at anytime without warrant.
- printed materials to be censored and their sale banned.
- public highways, air and land routes to be closed.
- meetings, political or otherwise banned.
- employers to be asked for reports on their employees.
- the sale of essential commodities to be restricted.

All these restrictions can be imposed in any and every part of the country, and no one has any right to seek compensation for any injustices in any suppression activities (false arrest, denial of livelihood, and even if their property is destroyed).

To conclude, we who believe that problems should be solved through understanding and non-violence, are becoming increasingly concerned about the continuing sale (through international bank loans and government to government credits) of sophisticated armaments. These danger us "toys" are not even of any use to the military in dealing with internal insurgency, but basically merely involve a transfer of massive sums of money from Thailand to the richer first world countries. If this arms trade could be stopped it would have a much greater impact on the development of the country, than all aid received. With eleven million (or one quarter of the population) Thais living in absolute poverty (according to a recent World Bank study) with insufficient, food, shelter and clothing, the immorality of selling hundreds of millions of dollars of sophisticated weapons to Thailand a year is so obvious.

Thus if our friends overseas want to really join our struggle, and help us build a just society, where everyone's basic needs are met (spiritual as well as material) the greatest contribution they could make would be to try to stop their own countries suck the life of poor Thais, in exchange for useless and dangerous weapons.

PART ONE: POLITICAL PRISONERS

1. The Case of the Three Arrested CGRS. Workers

Originally we had expected that this case would be decided one way or another within 300 days of the original arrest (i.e. on Dec. 10th, 1978). However when the three (Chaiwat Yao-Wapongsiri, Sukhon Tantakeyoon and Boontham Chindawong) contacted the Military Court in Nakorn Sri Thammaraj on 12/12/78, they learnt much to their surprise, that the military prosecutor did not have to press any charges, since according to his interpretation of the law, since the defendants are out on bail, the normal maximum pre-trial detention period does not apply. It seems theoretically at least, the three could remain remanded on bail, with no decision of whether to press charges or not, for the "legal" maximum life of the case, i.e. 15 years.

Obviously every effort must be made to prevent such a permanent threat (of possible serious charges including communism which carries up to the death penalty) from hanging over the lives of the three and over the existence of CGRS, even ignoring the 300,000 Baht tied up in bail. Thus in an effort to try to get the case rapidly resolved one way or another (preferably to have the charges dropped, but even a trial is better than perpetual uncertainty), three lines of action are planned, namely:-

- To petition the military court for charges to be dropped.
- To rekindle interest in the case in the mass media.
- To have friends inside and outside the country write to the Judge Advocate General, Major General Samin Tairanka at Ministry of Defence, Sanamchai Road, Bangkok, asking for the military prosecutor to drop the charges against the three as quickly as possible.

We hope that our overseas friends will continue to help us by writing to the Judge Advocate General in polite terms, so that he feels obliged to take action. As always we hope that you will keep CGRS. informed of your initiatives, so that they can be publicised in the local mass media.

2. Trials and Legal Process

A. Those Arrested Before October 6th

1. The Trial of Supap Pasa-ong Group

Supap and six other labour leaders were arrested in March 1976 and charged with communism, activities threatening the security of the state and owning firearms. Their first trial hearing began on January 19th, 1977. There are altogether 62 prosecution witnesses but only about 40 prosecution witnesses have so far given their evidence in court. The hearings normally take place once a week. It is estimated that the trial will take at least 10 months before completion.

November 1st, 1978

Prosecution Witness: Pol.Col. Kasem Saengmit, Deputy Superintendent of the Criminal Investigation Department (CID) and an officer attached to the ISOC Intelligence Division.

Prosecutor: The witness was one of the investigating officers in this case. According to the witness, the nine defendants in this case were in the first place arrested for owning firearms and carrying out communist activities. The local policemen's point of view was that the communist charge was uncertain and should be reconsidered by the CID. The witness was appointed to reconsider that charge. He did this mainly by looking through the documents seized. He finally agreed that the communist charges were appropriate. He did not look at all documents, however since, "only some of them were sufficient evidence to charge them with communism".

The documents that were evidence to support the communist charges were those about armed struggle, explosive production, workers' education programmes (which were similar to those run by the CPT.); and documents about the struggle of the Omnoi workers under the National Workers Coordinating Centre. It was mentioned in this document that the work done in Omnoi area was inspired by the ideas of Marx, Lenin and Mao. Other documents seized included those on the regulations of the CPT.'s Patriotic Youth League of Thailand and some English documents on socialism by Lenin and Engels. In addition to the witness, some of the documents were inspected by a specialist on labour issues who stated that the workers movement described in the documents was in the same direction as communist movements.

November 8th, 1978: The trial was postponed.

November 15th, 1978

Prosecution Witness: Pol. Col. Kasem Saengmit

Prosecutor: The witness testified that in many of the documents seized, it was mentioned that the peoples' struggle must be an armed struggle, that every movement must be political, including the workers' movement. The movement

was designed to cause disorder in the country, and to arouse the people to support the ideas of communism.

Some of the documents seized were for distribution during workers education programmes. Such documents had been seized in many other communist cases before, and were still used by the CPT. As far as the sources of these documents is concerned, the witness claimed that some books were from the People's Republic of China, which could be found in the Thai book market only after October 1973. These books were banned after the coup d'etat of October 1976.

Political organizations established after October 1973 which were in the same line as the CPT. were for example National Student Center of Thailand (NSCT.), the Farmers Federation of Thailand (FFT.) and the National Workers Coordinating Centre. Three of the leaders in this centre had led the workers movement in the Omnoi area before joining the CPT's armed struggle. Since its establishment (in 1974) the centre had interfered in many strikes in Omnoi, and had prolonged and made worse the strikes.

There were students infiltrating workers unions in this area also. Strikes and Labour problems helped the CPT.'s revolution because the CPT. aimed at a workers uprising against the government. Compromise did not help the people's revolution, so the workers were encouraged to keep on with their struggles and never compromise.

November 22nd, 1978

Prosecution Witness: Pol. Col. Kasem Saengmit

Cross-examination (for 6th and 8th defendants):

The witness answered the defence lawyer that he had never directly studied communism, but gained knowledge about it through his work in the Police Department.

As for the content of the book "Youths Attitude to Life" which was being used as evidence, the witness accepted that the book encouraged young people to love the country and the people, to love to learn and work and be economical and polite. But he added that it was also written in this book that young people should have solidarity with the masses in order to get rid of their 'enemies'. The witness said that in his opinion the enemies here meant "the government".

November 29th, 1978

Prosecution Witness: Pol. Col. Kasem Saengmit

Cross-examination (for 2nd defendant):

The defence lawyer asked the witness how he knew that the education programmes held by the labour unions at Omnoi were similar to those held by the CPT. The witness said that he had never attended the CPT's education programmes, but was told by 'some people from the CPT.' about them.

From October 14th, 1973 to October 6th, 1976 the witness had known that the CPT. was trying to overthrow the government, but finally NARC was the group that overthrew the government. The "Reform" carried out on October 6th, 1976 was a "democratic revolution", although the time it was expected to take to "create democracy" in the country was 12 years.

According to the witness, after all the investigations, there was no evidence that the defendants were members of the CPT, the CPT.'s army, or any of the CPT.'s united front organizations.

December 6th, 1978

Prosecution Witness: Pol.Col. Kasem Saengmit

Cross-examination (by Supap Pasa-ong):

Supap read the 10 policies of the CPT. to the witness, the witness accepted that all 10 policies were good and correct.

When asked if the government which arrested a lot of people for political reasons were violating Human Rights, the witness said that if the arrest was in accordance with the law, then it did not violate Human Rights.

The witness knew that the Amnesty International demanded the release of political prisoners in many countries, but did not know that it had demanded the release of the defendants in this case.

Prosecutor: When the witness said that the defendants were not members of the CPT., CPT.'s army and united front organization, he meant that there was no documental proof, such as ID. cards, or CPT. membership cards to substantiate this.

December 20th, 1978: The trial was postponed to January 10th, 1978 because both the judge and the witnesses were not free before then.

B. From Sensitive Areas

1. The Trial of Udom Pka-krong Group

Mr. Udom Pda-krong and ten other persons were arrested (and tortured) in May 1976 in Nakornsrihammarat Province and charged with attacking a military camp, arson and killing government officials. Detained for over two years, their trial proceeds very slowly at the rate of one day every two months with frequent postponements. There are altogether 19 prosecution witness (with 2 witnesses having been cut off and one having died). The evidence of the prosecution witnesses are expected to be finished at the next hearings (on February 1st and 2nd.). About 40 defence witnesses (including the eleven defendants in the case) will be called, and thus the case is not expected to be completed before the end of 1979.

During the past two months, the trial hearings which were fixed on November 6th and 7th were postponed to December 21st and 22nd, because the prosecution witness (Pol. Cap. Taweesak Chaikengdi) did not show up. It should be noted that this witness has so far not turned up 4 times, and thus the court had to call for another witness to give evidence.

On December 21st, Pol.Lt. Col. Wichit Sangkasuwan, one of the investigating officers, was cross-examined by a defence lawyer, Mr. Tongbai Tongpao. The witness told the court that 3 days after the communist guerrillas had attacked the Military Camp, there was a meeting of local policemen, military officers and the district officer at the Fourth Army HQ's. At the meeting the three parties expressed their opinions, suggesting names of people involved in this attack. On the following day, the arrest of defendants in this case began.

The witness accepted that all 11 defendants had passed through the "preliminary investigation" carried out by military personnel before the official investigation was carried out by police officers. (It should be noted that the defendants claimed that they had been tortured during this preliminary investigation to make them confess and say what the investigators wanted.)

The witness denied knowing that some of the defendants had petitioned Prime Minister Senee Pramroj that they had been tortured by government officials.

On December 22nd Pol.Cap. Taweesak Chaikengdi gave a prosecution testimony in court. The cross-examination will be held on February 1st and 2nd.

2. Sombat Charaskul Appeals against his Illegal Detention

Sombat Charaskul was arrested on September 8th, 1976 under the charge of being a member of a communist organization, having communist activities and having activities threatening the internal security of the state. On September 22nd, 1978 he appealed to the court that the maximum pre-trial detention period of 480 days was completed on December 29th, 1977 but he had not yet been charged in court nor had he signed the prosecution document, and consequently he asked the court to set him free.

The provincial court answered that this matter fell under the jurisdiction of the Military Court, and thus the provincial court could not make a decision.

In November, 1978 Sombat was asked to sign his name in the prosecution document dated December 29th, 1977 (which would mean that he was charged legally on that day). His lawyer is going to appeal further against this unjust action.

The first trial hearings scheduled for December 18th, 19th and 20th were postponed to January 25th and 26th, 1979 because both the prosecution witness and the lawyer were not free.

In this case there are 8 prosecution witness and one documents as evidence.

3. The Trial of Prayoon Rajpaen

Prayoon Rajpaen (22) was charged with killing a village defence volunteer and is now detained at the Central Prison of Nakornsrihammarat. He had once joined the communist guerrillas for his safety because at that time many people from his village (including his father) had been arrested and many others had been killed. Later on he surrendered to the government as he believed the official propaganda that he would not be charged if he surrendered, however, he was charged with murder. (See details of this case in "Human Rights in Thailand Report", May-June 1978)

His first trial hearings began on November 22nd, 1978. The wife and grandfather of the dead village defence volunteer gave their evidence, most of which was not substantial, as they did not see the incident with their own eyes, and could not exactly tell whether Prayoon was amongst the guerrillas who killed the VDV, or not.

There are altogether 5 prosecution witnesses in this case. The next trial hearings are scheduled for January 22nd, 1978.

C. Communist Charges

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

Our readers should by now be acquainted with the case of Mr. Thongchan Srinual, Mr. Sao Saokaew and Miss Bunrurng Sri-Udom who have been sentenced to death both by the Court of First Instance and the Appeal Court, and whose appeal to the Supreme Court was rejected because it was submitted too late. A lot of friends overseas have answered our request for assistance in campaigning for the lives of the three by writing to the Prime Minister, the president of the Supreme Court (Mr. Prapot Tirawat), and the Minister of Justice (Mr. Sutham Patrakom). Thanks to these actions, the case of the "Surin Three" has come in the limelight and is not any longer a "forgotten case", on which a decision could be made without full consideration.

So far there is not much progress in this case. Mr. Prapan Payakabutra, chairman of the committee investigating the behaviour of the three defendants' lawyer, Mr. Chaiyasit Yaemsri, disclosed in late December that the reports from another two investigating committees were still missing.

The full investigation report will be filed with the President of the Bar Association, Mr. Prapot Tirawat (who is also the President of the Supreme Court).

The chairman of the investigating committee disclosed that Mr. Chaiyasit Yaemsri did not give his a verbal statement, but instead sent a written statement.

The deliberations of the Supreme Court are considered as official secrets and thus we have no inkling of what its decision will be.

In this case further campaigns, letters and cables to the Thai authorities (at least to the three persons above) are still needed. In addition, if copies of such letters could be sent to CGRS., this would help CGRS. mount campaigns inside the country.

(For more details on the case, see "Human Rights in Thailand Report, July-August and September-October, 1978")

2. 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.

On November 28th Pol.Cap. Direk Tikaput, the second prosecution witness, was cross-examined. Pol.Cap. Direk used to be the police officer in charge of the CID at Ubolrajthani province. On October 14th, 1976 the witness together with the provincial ISOC officers and local policemen searched the house of Somboon, since they had been informed by many villagers that Somboon often lent villagers communist books to read. The Police found 67 books about communism and many letters from Somboon's brother-Vichai, but they did not arrest him, because that search was carried out in accordance with the MRC order to get rid of communist books. Later on the witness knew that Somboon was arrested in Bangkok when he visited Vichai, his brother.

The next hearing was fixed for 5/1/79, but was postponed.

3. Letter from Prisoners and their relatives

8th Zone, Special Prison of Bangkok

27th November 1978

Dear friends,

Many days ago I sent you a letter in which I told you about the troubles of my family. I asked you to acknowledge receipt of that letter, but never received any reply from you until now. I think that the letter never reached you at all*, and therefore I write to you again now, just to tell you of the pain I am suffering.

It is almost three years since I was unjustly arrested. During this time my family has endured great hardship and suffering. But a short time ago things turned even worse. You know my son Waiwut. After he surrendered to the government, he was sent for reeducation for about one month at Cha-ien Democracy Training Camp and was then released. Not long after that he was charged with another criminal charge and was sentenced to 65 years imprisonment. Now he is detained at Nakornsrihammarat and has appealed to the appeal court*.

Shortly after Waiwut was sentenced, Wanchai my other son was killed. Do you know my son Wanchai? He used to be a hired worker in many places and usually never stayed at home. After Waiwut had gone, Wanchai came back home and worked hard on our hand. I once wrote him a letter asking him to take care of the family and the land in my place. Wanchai always kept that letter with him saying that it was his father's works for him. He worked very hard to support the family.

You might not know that the former village headman had suspected Wanchai of communism and reported his name to the authorities. Wanchai had been called for reeducation many times. On October 6th this year Wanchai was shot dead, only 9 days after the court sentenced his brother to 65 years imprisonment.

I am quite sure that my son was killed by the Village Defence Volunteers, whose wrong deeds are always protected by higher government officials. Because of this innocent people are killed everywhere in the countryside. At present it seems that there are such a lot of paramilitary groups. People are trained to kill their own neighbours at random by the government.

The murder of Wanchai has caused great suffering to my whole family. I received several letters from my family each only telling me that Wanchai had been murdered, without any further details except that "he might have been killed by the VDV's." At the moment my three young daughters cannot study because their pain is too great for them.

My family will soon have to move from our land, because it belongs to the province. I still do not know where they will move to.

If I receive more information from my home, I will let you know. I wish you all the best for your important work.

Yours Sincerely,

Sarn Boonpeng.

Sarn Boonpeng is one of the 11 defendants in the Udom Pka-krong case reported at 3 B.1 above.

- *1. This letter was never received. It must have been either censored by prison officials, or intercepted by government officials.
- *2. We know that Waiwut has been transferred to Bangkok Maximum Security Prison, Bangkok, and the appeals court has not yet considered the case.

Nakornsrithamarat

23 December 1978

Dear friends,

Thank you very much for all your help regarding my trip to Bangkok to visit my father. I have nothing to give you in return but the thanks from my heart.

In this letter I will tell you more details about my brothers Waiwut and Wanchai who were arrested and murdered respectively.

The cause of Waiwut's unjust arrest is a long story, starting even before Father was arrested. At that time our buffaloes were stolen many times. Waiwut knew who the thief was and so he finally decided to retaliate by stealing that man's buffalo, but could not get it. The buffalo's owner was angry and told the police to arrest Waiwut. He charged Waiwut with trying to kill him and stealing. But it did not work because there is no evidence.

Not long after that Father was arrested on the false charges of killing and arson. Since then they tried to play tricks on Waiwut until he had to leave home, leaving his wife, children, mother and sisters behind. He soon came back because without him the whole family was suffering great hardship.

Soon after he came back, one neighbour of ours was shot dead. At that time Waiwut was eating at home with the village headman. Again they accused Waiwut of killing the villager and arrested him, though there were many witnesses that he was with the headman at that time. We all know that the VDV's and the policemen wanted to get rid of him and to destroy our whole family. It was lucky that the village headman was on our side and insisted that Waiwut was eating with him when the man was shot. When the village headman supported his alibi, they brought back the old case of stealing and killing. Waiwut was finally sent to be detained in the provincial prison. Mother bailed him out later on to help with the work on the field.

While he was on bail, one day he went to a village fair and returned home late at night with a group of people. Suddenly one woman in the group cried for help saying that Waiwut was trying to take her from the group to rape her. This again was a plan of the VDV's. This case did not go to the court, but the VDV's told the woman's family to demand compensation from us. After they got the money, a VDV said "I am defrauding them so that the whole family will go to wrack and ruin".

After this case was over, the hearings on the old charges of stealing and trying to kill began. All witness produced very weak evidence and everyone was sure that he would be acquitted, therefore we did not pay much attention to the case. But the judge finally sentenced him to 65 years imprisonment. We know later that the judge was a relative of the plaintiff.

After Waiwut was arrested, Wanchai came back home to help the family. Shortly after that he was shot dead. Everybody knew how recentful Wanchai was, and the VDV's. knew also. Therefore they wanted to get rid of him for their safety. Nobody ever predicted such a sad incident to happen again, so closely to the former one. We three sisters are so sad about these incidents, and feel so sad for Mother. The VDV's. also said that since our brothers and father are all get rid off, they can do anything at anytime to us now.

Everybody in Ban Tungchon village knows that all the bad things happen to our family from the arrest of my Father and my brother to the killing of my young brother were done by that VDV.

What do you think we should be doing. We want an answer from you before it is too late. My mother does not want to let her son die in vain. They have done too much to us. If Father and Waiwut had not been arrested, Wanchai might not have died. But now there is nobody at all for the family to rely on.

In this coming new year I wish all my friends in CGRS. every progress in your work, and happiness in your life.

With deep thanks,

A-chiep

A-chiep is a daughter of Mr. Sarn Boonpeng, a prisoner in Udom Pka-krow case.

PART TWO: THE HUMAN RIGHTS SITUATION

1. Misuse of Government Power

A. Reduction in the Use of Article 27

In the previous issue of "Human Rights in Thailand Report" we noted that the frequent and widespread use of Article 27 was being increasingly attacked both inside and outside the country. These attacks on the use of the article concentrated on three main areas. Firstly the fact that the article was used for the government's public relations purposes rather than for justice. Secondly because it seemed to be used without hesitation on Chinese, Laotians and other Asians involved in the drug trade, but not on Caucasians. Thirdly because the whole reliability of the police reports (on which the PM. bases his judgement) was thrown into doubt when the PM. found one group of people not guilty, and the next day the Public Prosecutor announced formal charges would be dropped because there was insufficient evidence. These attacks on the use of the article have produced a very great reduction in its use over the past two months, with only 10 people being summarily sentenced (one to death) compared, 42 over the previous two months (three executed) and 51 over the period July-August.

The following are the cases on which article 27 has been used over the period November/December:-

- 8th November 1978 One 17 year old youth sentenced to life imprisonment for rape and murder.
22nd November 1978 One rapist murderer was sentenced to death and summarily executed the next day.
22nd November 1978 Three sentenced to life imprisonment, and four to 25 years in jail for drug trafficking. In the same case one woman was acquitted.
18th December 1978 One heroin trafficker sentenced to life imprisonment.

Despite the great reduction in the frequency of summary sentencing, over the past two months one person has been executed and 9 sentenced to spend most of their lives in prison, without having any chance to defend themselves or speak on their own behalf, but merely on the basis of police evidence. Whilst even one person is sentenced in such a way, it is still a cause for great concern, and thus we hope that all friends will continue to press that the use of this unjust article be completely stopped.

Fortunately the new constitution in its final approved draft does not include a catch-all article equivalent to the article 27 in the interim constitution, which is at least a minor victory for those who believe in basic rights. However until elections are held the PM. maintains absolute powers under the temporary provisions of article 200.

B. The Basic Rights of Refugees Infringed

The Thai Government quite rightly has a good reputation world-wide for the generous reception it has provided almost a quarter of a million refugees fleeing from the new communist regimes in Laos, Vietnam and Kampuchea. Up until quite recently, apart from normal cases of corruption, exploitation and misuses of power by individual government officials (of the same type suffered by ordinary Thai people at the hands of their officials) refugees have been well treated. However over the past few months incidents are increasingly coming to light of refugees being forced to become involved in internal political struggles, being imprisoned for political reasons, and even being killed whilst entering the country.

Before going on to describe some of these infringements of refugees rights, a brief description of the current situation will be given.

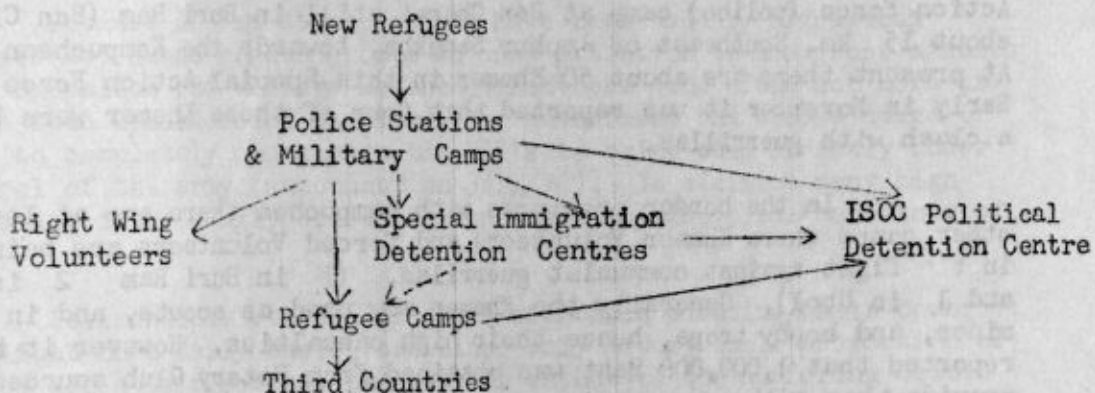
Up until November 1977, all those fleeing from Thailand's indochinese neighbours were automatically given refugee status. Since then however, the government decided that in order to try to discourage the huge flow of refugees, they would, until proved otherwise, be treated as illegal immigrants. Only one attempt was made to repatriate these illegal immigrants (to Kampuchea late in 1977), and when news was received that these sent back had been executed, no further such attempts were made.

Now when the refugees arrive they are immediately arrested as illegal immigrants, and temporarily held in up to 200 police stations and military camps throughout the country. They are interrogated, and those that can satisfactorily prove that they fled their homes because of political oppression (as opposed to economic hardship), or can prove that they have close relatives who are refugees, are then transferred to refugee camps and come under the protection of the UNHCR. In some provinces virtually everyone arriving is still given refugee status, whilst in other provinces, virtually none is given such status. There is also considerable difference according to ethnic origin. Thus Meo's in Nong Khai are accepted as refugees, whilst Laos are not. In Nan, Surin and Chiangrai most people are accepted, whilst in Sri Sa Ket and Buri-Ram virtually none is accepted.

Of those who are not transferred to camps, some escape from their place of detention and flee to the camps; others agree to join various rightist paramilitary forces (such as the Free Khmer), recruited by CIA front organisation, Thai rightist groups, and fellow nationals; and the remainder are transferred to one of three or four immigration prisons specially set up for refugees who are classified as illegal immigrants. (some illegal immigrants have been kept in the Bangkok immigration prison for 20 years or more, for without being repatriated, once an illegal immigrant, there is no way to stop being an illegal immigrant.). These special immigration detention centres for refugees are in Buri-Ram, Nakhon Phannom, and Mae Chan in Chiangrai. There is also a place being used as a centre in Nongkhai.

However new refugees who are suspected of being leftist, as well as those from refugee camps or detention centres similarly suspected, are immediately sent to a special Internal Security Operations Command detention centre (roughly the same as the Karoonyathep centres described below) in Sri Kiew in Korat.

The present situation can be diametrically shown as follows.



Though evidence is still scarce, there appears to have been a change in government policy, probably coming from the highest levels, from about April 1978. At about that time it seemed that the supply of right wing volunteers, (used both for infiltration back into their country of origin, and in the government's struggle against insurgents) was drying up. It has for example been reported that the Free Khemer were becoming less and less willing to volunteer to help the Thai Military, partly because they were badly treated (often receiving no pay, and having even to grow their own food), partly because of the high casualties (one reliable Free Khemer source reported that in the last year 500-1,000 Free Khemer had been killed) and partly because they were not allowed to keep their own networks and organisations. As fewer and fewer refugees volunteered, a policy of forced recruitment was gradually started in some provinces. The first case of forced recruitment seems to have been in June 1978 when about 80 Khemer were taken from the Buri Ram Detention Centre. Some of these were involved in fighting near Khao Phra Vihan, were wounded and treated in hospitals in Surin and Buri Ram.

However a much more thoroughly investigated case occurred on the 15th and 16th of October 1978, again from the Buri Ram Detention Centre.

On 15th October three Thais in civilian dress came to the centre and asked for a list of the names of all Khemer males, between the ages of 20 and 30, who had no relatives in Thailand. A list of 20 names (out of the 264 people in the centre at that time) was drawn up. 15 of these were asked to report to the main gate of the centre at noon, and were loaded onto an

unmarked truck. When another Khemer asked where they were being taken to, he was also ordered to board the truck. The next day a further 5 people were taken away from the centre in the same way, making a total of 21.

The 21 were first sent to Ban Kruat, and then transferred to Raharn Sai (both in Buri Ram, between Buri Ram and Sri Saket). At the beginning of November they were again transferred, this time to a Special Action Force (police) camp at Ban Charai still in Buri Ram (Ban Charai is about 15 km. Southeast of Amphur Sangkha, towards the Kampuchean border). At present there are about 50 Khemer in this Special Action Force camp. Early in November it was reported that four of these Khemer were killed in a clash with guerrillas.

In the border provinces with Kumpuchea there are at least four other camps where Khemer Volunteers and forced Volunteers are being used in the fight against communist guerrillas. (1 in Buri Ram 2 in Sri Saket and 1 in Ubol). Generally the Khemer are used as scouts, and in clearing mines, and booby traps, hence their high casualties. However it has been reported that 1,000,000 Baht was obtained from Rotary Club sources to provide them with armaments.

In other regions of the country it is certain that refugees are being asked to volunteer to assist the Thai military and para-military forces, however as yet there is no evidence that they are being forced to volunteer.

However it is reported from Nan that there is a plan to resettle armed Meo refugees along the edge of the "liberated zone" which stretches 15 to 50 km. from the Laotian border. It is hoped that these Meo will act as a front line and buffer zone between the area controlled by the Thai Communists, and that controlled by the government forces.

We are extremely concerned by the involvement of refugees in expanding the conflict that exists in Thai society at present, even when these refugees, because of their own political beliefs, volunteer to do so. We are even more concerned, when people who flee their own countries because of the unbearable suffering they faced there, are immediately, on arrival in Thailand, forced to join a conflict which they are not interested in and which has nothing to do with them. They suffered at home, they suffered and were killed in leaving their country, they risked death arriving in Thailand (8 were "accidentally" killed by BPP on 24/8/78 at Klong Nam Sai, 20 km. South of Arunyapratet, on 10/9/78 a further 5 killed, on 22/9/78 a further 6, on 25/9/78 a further 4, these latter three cases near Pralin), and having finally reached their expected haven are again forced to suffer, to fight, and to die.

The conflict between Thais and Thais is bad enough even when both sides are fighting for what they believe. How much worse it becomes when foreigners are forced to join the conflict. Thailand deservedly has a good reputation for its openness in receiving and helping refugees. Why throw

this away for a few short military gains, particularly as in the long run the groups that will win the struggles currently taking place will be those with truth on their side.

(Please Do Not Quote CGRS. or The Human Rights Report as Source of This Story)

C. Misuse of Power by Police and Village Defence Volunteers

Because of the attempts that have been made by courageous journalists and human rights groups to draw attention to the gross misuses of power by police and Village Defence Volunteers (who often act more as gangsters than upholders of the law), the government has become aware of the need to completely reorganise the VDV's to bring them directly under the control of the army (announced on 3/11/78). In addition many high officials are increasingly searching for ways to improve the behaviour of police.

Nevertheless stories of these officials misusing their power come to light on a daily basis, and since only a very small proportion of such cases are ever reported, the overall extent of the suffering caused by the misuse of power is quite frightening, with the police and the VDV's almost appearing to compete with each other over who can carry out the greatest atrocities.

1. Village Defence Volunteers Beat Vietnamese Refugee to Death

On the evening of 22nd September, a Vietnamese Refugee was taken from the refugee camp at Sri Kiew in Korat, to the neighbouring special detention centre for politically suspect refugees (see above), by two drunken VDV's. No reason was given for him being taken from one camp to the other. At midnight the two VDV's being completely drunk, started kicking and beating the refugee - Keo Kamwong, they knocked him down the stairs, and then began to hit him over the head with wooden batons. By 00.10 on 23/9/78 Keo Kamwong was dead, leaving behind a 25 year old wife and two children (3 months and 3 years). The next morning, having sobered up a little, the VDV's took his body out and burnt it.

Other refugees have lodged an official complaint with Police Maj Gen Saw Srisak, but as yet there have been no results announced.

2. Quarelling VDV's Threw Bomb - 6 Villagers Killed

Six villagers were killed and eleven other seriously wounded when a bomb was hurled into a field where about 1,000 people were celebrating at a religious fair. The incident took place at 11.00 pm. while the villagers were watching an open air movie in Tambon Pakkad in Nongkai province. One of the six killed was an eight-month-old baby.

The bomb was suspected to have been thrown into the crowd a group of local Village Defence Volunteers who were drinking at the fair-ground. According to a police report, several of the volunteers were engaged in a quarrel with their colleagues just before the explosion!

3. Policemen Beat a Monk to Death

On 30/11/78 Pra Somchai Sae-kaew, a monk of Charoenwanaram Temple became insane, and was arrested for setting fire on his own house. He was detained at Klong Dan Police station in Samutprakarn province. On the following night the policemen forced him to leave the priesthood. They then tied up both his hands and legs. The insane monk scolded and spat at the policemen, which made them very angry. They kicked and beat him with a wooden bar, in front of 30 shocked villagers, until he died.

This deed of the policemen caused great anger amongst the villagers. They volunteered to be witnesses in the case and also disclosed other malpractices of these policemen, such as extortion, bribery, etc.

At present the policemen are under investigation. No results of this investigation have yet been announced.

4. Policeman Shoots Dead a Civilian

On 12/11/78 while Mr. Tanu Chantapan (33) an agent for Thai workers in the Middle East, was resting in his house with his wife and brother-in-law, with another 10 workers who were waiting to leave on their journey, two policemen in uniform entered, and handed to him a warrant for his arrest on murder charge.

His brother-in-law, Prayoon, said to the policemen that he would telephone to the Crime Suppression Division first before letting Tanu go with the policemen. Suddenly, a policeman sprayed at the three with his carbin. Tanu died at the hospital, his wife and brother-in-law were severely injured. The two policemen fled.

Local Policemen believed that the two policemen were attached to the Special Action Force.

5. Five Policemen Gang-rape A Woman

A 17-year-old girl Miss Vimol Plungchan failed in her attempt to commit suicide by leaping from a bridge in Bangkok, after being shunned by her parents and raped by 5 policemen.

Vimol was expelled from her house because she was a drug addict. One night she had no shelter to stay overnight and so she dialled a police assistance number. The man who answered the call told her to go the Bangkok Metropolitan Police Headquarters. When she arrived there, she met the 5 policemen who took her to the rooftop and raped her.

Vimol reported the incident to Phya Thai Police who settled the case by having the policemen pay 3,000 Baht in compensation to her but the policemen could pay only 400 Baht; she never got the rest of the money.

Feeling very desperate about her life, she tried to commit suicide, but failed.

6. Policemen Shoot at and Rob a Civilian

On 9/11/78 three policemen from Nakorn Pathom province robbed Mr. Suthep Chaiyen of a motorcycle. The three policemen also shot their M.16s. at him to cover up the case, but the shots missed when Suthep dived into a nearby canal.

The three policemen, identified as Pol. Pvt. Somkiert Lurdvef, Pol. Pvt. Kowit Lurngvichai and Pol. Pvt. Chairurk Suan-im, were arrested on 29/11/78 in possession of the stolen motorcycle. These three policemen had in early November a quarrel with another group of policemen in a temple fair in Nakorn Pathom and shot at each other with their guns in the crowd of people. Fortunately no one was injured.

7. Policemen Torture a Suspected to Confess

On 11/12/78 Mr. Suk Tokku (49) lodged a petition with the Commander of the Crime Suppression Division, after having been granted bail. The petition claimed that he was severely tortured by 3 policemen who arrested him. On 28/6 /78 at 11 pm. while he was sleeping, the policemen entered his house and accused him of robbery. When he denied the charge the policemen began kicking and knocking him down. They also took his wife and two daughters clothes off and laughed at them. Suk claimed that when he was brought to Nong-Jauk police station, the policemen took his clothes off and began kicking him again and shot at his genitals with elastic until he fainted. All these were done while his two hands were chained, and continued for 3 days and nights, until he confessed.

8. Prison Superintendent Faces Murder Charge

A prison superintendent, Sayant Srisawai, was accused of shooting a 19 year-old student to death on 15/11/78. Pinet Kwangyao, a Bangkok student was celebrating the Loy Krathong festival in the northern province of Uttaradit when he entered a foodshop. There he annoyed the prison superintendent who was at a nearby table by acting "too boisterously" and "disturbing the peace". The prison superintendent then approached the student and shot him in the head; the student died instantly.

9. Influential Person Kills Corporal

A 23-year-old police corporal was shot dead in a fight that broke out after he engaged in a foot-stomping match with an influential person in a nightclub in the central district of Nakornsrithammarat. The incident took place on 5/11/78 during a treat offered to three senior police officers from Bangkok who were on an inspection tour of the southern provinces. The treat was organized by the District Police Inspector and an influential person in the province named Preecha.

Corporal Banlue, apparently drunk, accidentally stepped on Preecha's foot who retaliated by stepping on the trooper's foot. A fist-fight ensued involving several men of both sides. Suddenly, Preecha drew a .45 calibre pistol and fired at Banlue, killing him instantly.

The gunman then calmly walked out of the club and sped off, without the police officers making any attempt to stop him.

10. Some Other Cases

On 27/11/78 two Village Defence Volunteers of Tambon Plaivas, Kanchanadit district, Surratthani were arrested for having unregistered guns. On the evening of that day 20 other VDV's and soldiers who were friends of the two arrested gathered in front of the police station, scolding and threatening the policemen. They then went away; when they were about 800 metres from the station, they began shooting their guns in the air many times, each time shooting 40-50 bullets. The villagers all ran away thinking that communist guerrillas were attacking the police station.

Such irresponsible deeds by government forces is not merely the exception. On 17/12/78 4 policemen from the Police Special Action Force in Pattani province blocked the entrance to a fishing harbour and shot their guns in the air as a threat. Earlier, the four had asked for some fish from a fisherman, and a boatboy gave them half a basket fish. The owner of the boat questioned the boatboy about this, which made the four policemen very angry because somebody "dared" challenge them, and so they blocked the harbour.

We could continue this list of misdeeds so that it would fill the whole of this report, and this with only these that are reported and come to light. In general it can be justifiably assumed that such deeds take place almost on a daily basis in every province in the country, and involve officials from the lowest to almost the highest level. Despite the government's good intentions to try to wipe out "influential elements"; and corruption, and misuse of power of government officials (see 1 B in Part IV of this report) only rarely are the offending officials arrested, and even more rarely are they ever sentenced. The balance of power, especially up country is such, that even when officials are not acquitted, they can be released forcibly, or through influence and corruption by their friends.

Only when the people realise that power is really in their hands will this problem ever be able to be solved.

2. Arrests, Releases and Detention Centres

A. Arrests

5/11/78 Mrs. Chulaiwan Lohacharoenphan and Mr. Sa-ngob Phala were arrested and charged with possession of explosives without official approval. Police earlier seized a huge cache of high-powered dynamite weighing about 665 kg., after they had raided a transportation company in Nakornsrihammarat. (Nation, Matichon 6/11/78)

5/11/78 Mr. Jae-kao Jae-lae and Miss. Kanya Masao were arrested after an explosion in a hotel in Narathivat province. The two were reportedly preparing the dynamite before putting it in a hall being used for a meeting of muslims on security, but accidentally the dynamite exploded. (Athit, Thai Rat 6/11/78)

7/11/78 Mr. Pinit Chainikom (25) and another man (name unknown) were arrested at a hotel in Chiangmai with a lot of herbs, injection tubes and candles. Police investigations showed that these two had often sent herbs and medical instruments to the communist guerrillas. They were charged with illegal possession of herbs and medical instruments. (Dao Siam 9/11/78)

8/11/78 An army private, Vichai Obchau was arrested with a large number of bombs and bullets in Chiangrai province. The private together with 2 other low-ranking soldiers who were able to flee, had smuggled those weapons to sell to Meo hilltribesmen many times before being finally arrested.

14/11/78 Mr. Preecha Tansiri (28) was arrested in Songkla on a robbery charge, but reportedly confessed that he was a former communist operating in the jungle of Pattalung. (Bangkok Post 27/11/78)

16/11/78 Mr. Fichai Laorung (22), Mr. Pintong Plurnkin (22) Mrs. Kulap Boonlong (20) and Mrs. Sa-ngiam Mali (35) surrendered to the police in Prachinburi. According to police reports, these 4 people were moved from their villages in Buriram by the communist guerrillas. The four had got a training in Kampuchea, where 300-400 other Thais were being trained.

18/11/78 Six Meo hilltribesmen suspected to be communist sympathizers were arrested after an armed clash between government troops and the communists broke out in Mae Chaem district, Chiangmai. (Bangkok Post 17/11/78)

24/11/78 Mr. Witsanee Cholitkul (24), Miss Ratana Intrarit (19) and Miss Piyawen were arrested from their coffee shop in Chiangrai. Police found 6 military maps, 3 books about the Oct. 6 incident, a lot of books and 24 I.D. cards under empty oil tanks on the land next to their house. They were charged with carrying out communist activities, and are now being detained at a Karunyatep Center in Chiangrai. (Matichon, Athit, Dao Siam 25/11/78)

29/11/78 Five villagers, Mrs. Turian Chopfang (30), Mr. Som Mulmuang (58), Mr. Sao Sunan (30), Mr. Kaew Kurnpet (28), and Mr. Chet Taworn (38), were arrested from their villages in Padaed district in Chiangrai, after police investigations showed that many villages in the district were supplying communist guerrillas with food and other necessities. (Athit 30/11/78)

2/12/78 A member of a B.R.N. (Pattani liberation movement) surrendered to Yala provincial governor's office with his pistol. (Athit 3/12/78)

3/12/78 Two communist guerrillas surrendered to policemen at Surin with their M.16 and some hand grenades. (Athit 3/12/78)

3/12/78 Mr. Bunchin Kraisor (23) was arrested in Seka District, Nongkai and charged with communism. Boonchin had reportedly been working in the communist intelligence unit in the province for 2 years. (Nation 5/12/78)

7/12/78 Mr. Somdej Tarana (21) and Mr. Boonsueb Banyongkasena (41), were arrested in Bangkok for allegedly being involved cheque swindling. They were also charged with endangering society. (Nation 7/12/78)

17/12/78 Two communist guerrillas, Mr. Heng Tinkong (18) and Mr. Tip Suwannawong (18) surrendered in Namsom district, Udorn. (Seingpuangchon 20/12/78)

23/12/78 Mr. Wanchai Jong-jit (32), Mr. Sewai Jintula (27) and Mr. Suwan In-am (28) were arrested in a hotel in Nakornpathom with 4 boxes of plastic explosives. Police suspected that they were going to give or sell the explosives to the communist guerrillas. (Dao Siam 29/12/78)

13/10 - 9/11/78 According to official reports during this period there were 61 clashes between the government and the communist forces all over the country (28 in the Northeast, 10 in the North and 9 in the South), 22 communist guerrillas were killed, 7 arrested, 37 surrendered and 1 injured. (Siengpuangchon 18/11/78)

10/11 - 14/12/78 There were 75 clashes all over the country during this period (42 clashes in the Northeast, 12 in the South, 11 in the North and 10 in the Central region). Eleven Communist guerrillas were killed, 5 arrested, 57 surrendered and 3 injured. 33 communist bases were seized. (Mathichon, BanMuang 22/12/78)

Jan. - Nov. 78 Over this eleven month period 551 communists from all over the country surrendered to the government. (Bangkok Post 22/12/78)

Releases: 1/1/79 The 13th group of endangering society prisoners were released. Amongst total of 254 released prisoners were 5 persons from Bangkok, 138 from the North Central region, 41 from the Northeast, and 70 from the South. Over the period of November - December it appears, according to official statistics, that 308 people were arrested on endangering society charges, 581 people still remain in prison, and already 6,042 people have been released (though other official sources claim that about 9,000 people have been released). It should be noted that these figures do not include those held under endangering society charges in local police stations.

C. Detention Centres - Karunyathep Centres

The Karunyathep (God's Mercy) centers are a part of the Karunyathep programme started in 1967. The programme had the official purpose of giving "protection and amnesty" to communists or communist sympathizers and to "reeducate" these people so that they turn to the government's side, in accordance with the government's anti-insurgent policy of "politics leading military actions".

The people accused or charged with communism or suspected of being communist sympathizers are detained and reeducated in Karunyathep centres. These centres exist in every one of the 38 provinces declared as "sensitive" and infested by communists. Karunyathep centres are attached to the Joint Information Centres (JIC) Civilian, Police and Military*.

The government expected that through this programme, it would be able to change the idea of the arrested communists, to get information, and to create a state of disorder and mistrust amongst the communists.

* The Joint Information Centres are information finding and collecting centres of the ISOC in each of its 8 different zones all over the country. The centres were also founded in 1967. The headquarters is at Setsiri Road in Bangkok. The offices of the other 7 zones are at Cholburi, Nakorn Rajshima, Udornthani, Chiangmai, Pitsanuloke, Nakornsrihammarat and Nakornpathom.

Practically, any person arrested for being a communist or communist sympathizer will either be detained at police stations or prisons for a maximum of 480 days before being tried in court, or sent to be 'reeducated' for 3-12 months in these Karunyathep centers. In order to be sent to a centre means that the people accept the accusation of being communists or communist sympathisers.

At present those who are being detained in Karunyathep centres are from various professions, including farmers, workers, students, government officials, teachers, journalists, hill-tribes, etc. The detainees are classified in 5 groups; that is, those who are arrested, who surrender, who ask for protection, who are invited and who can give useful assistance to the centres.

The reeducation includes lectures, seminar; and private discussions on the various topics, such as loyalty to the Nation, Monarchy and religion; economic political and social problems; the history of Thailand, etc, etc. In addition, the detainees face tough interrogations from policemen, military men and district officers.

Generally, the detainees are detained (without being charged) in the centres from 3 - 12 months. After their release, they have to report themselves to the centres regularly every month by themselves (the length of time depends on the centre). From time to time, the center officials will 'visit' the released persons at their homes.

What makes us extremely worried about these 38 Karunyathep centres is that most of these centres are closed; nobody knows about the real situation inside the centres, whether it would be as good as disclaimed or not. Nobody knows exactly how many detainees there are; nor do they know the real length of the detention period. (For example, a group of Catholic nuns who asked to give presents ^{Christmas Day} to the detainees in Karunyathep center in Ubonrajthani were roughly refused permission). In addition, such centres allow government officials to arrest and detain people without passing through any juridical process.

In what follows we would like to give an example of ^{one} Karunyathep centre in Chiangmai province and its detainees, on which (amongst other places) we have managed to get some precise information.

Chiangmai Karunyathep Centre

The center was founded in 1967 and is situated in the central district. Its 1.6 acres of land is divided into 2 parts, the inner part (surrounded by a barbed wire fence) is for detainees who might try to escape. Those newly arrested face tough interrogation until the interrogators feel that they have got all possible information. The prisoners get two meals (breakfast and dinner) a day costing 15 Baht. Most of the detainees are detained for 3-12 months.

The number of the detainees varies, depending on the suppression situation. In November 1978 there were only 7 detainees (5 men and 2 women).

1. Miss Sangwan Jomkam (16) was arrested in September 1978 from Lam-pang. She used to work for the CPT. in a production unit in Chiengrai for 3 months.
2. Miss Kaewnil Techakaew (21) surrendered to the government in Chiengmai after her brother was shot dead by the communist guerrillas.
3. Mr. Banchong Tipimpa (26) was arrested in October 1978 in Payao.
4. Mr. Ton Srichantuk (26) was arrested in October 1978 in Payao where he passed through 2 interrogations periods before being sent here.
5. Mr. Chamnong from Payao.
6. Mr. Randon Sri-Sopha from Lamphoon..
7. Mr. Suthin Pootuw.

In late November, 3 more prisoners were sent to the Centre from Chiengrai. The three are identified as Mr. Witsanu Cholitabul (24), Miss. Ratana Intra-rit (19) and Miss Piyawan (19) arrested from their coffee-shop in Chiengrai and charged with communism. The three were told to confess or else they would be tried in the Military Court, but they denied the charges. During the interrogation, they were given lists of questions and asked to check "right" or "wrong". In addition they were shown a list of students and CPT. members and asked to point out whom they know; they were also asked to be spies for the government.

We are currently gathering as complete a dossier as possible on as many of the 38 centres as we can, so that we can provide sufficient information to mount a campaign against the injustice of the detention and interrogation in those centres.

3. Report From Up-country

We have often been concerned by the wide gap that exists between the public statements of the leaders of the country, and what is actually put into practice by local officials, and supported by central officials. Often when one listens to Gen Prem Tinasulanon or to the PM., when they talk about the need to treat the peasants with kindness and consideration, for otherwise they will be driven into the communist camp, one feels that they at least understand that the problems of the country cannot be solved by increasing threats and violence. However unfortunately every month, week and day local officials in all parts of the country (often supported by their Bangkok superiors) carry out a completely opposite policy. In the following case from Nakorn Sri Thamarat we try to provide an indication about the way in which local officials and VDV's see the problem, and the solution. Unfortunately they do not seem to consider the villagers as real people and are prepared to misuse their power and destroy or murder at anytime. The case of Ron Fiboon district described below is in no way exceptional.

The extent of the suffering of the people there was disclosed to the public when a villager from Tambon Santambon in Ronpiboon district - Saksit Suwanpakdi (26) fled to Bangkok, apparently to save his life, and appealed to the Prime Minister through a daily newspaper (Athit) on 15/11/78. In this appeal stated that the people in the district were murdered almost every day simply because they were suspected of being communists. Saksit said that these wide-spread murders began 2 months ago after Captain Sompong Siyapan became district chief. The captain was transferred from Pipoon district after there was a scandal about VDV's, killing villagers and he was implicated directly in the killings. It should be noted that Sompong was also involved in the famous case of the three monks in Pipoon district who were murdered in March 1977. (This case was reported in Human Rights in Thailand Report, April 1977)

Captain Sompong Siyapan, after being appointed a district chief, grouped together the VDV's, from all tambons in Ronpiboon district along with some volunteer VDV's from the provincial capital and ordered this group of about 100 VDV's to suppress the communists by "shooting every suspect to death".

"I am sure that 50-60 people have been shot dead during the past two months, and I have the names of 15 people killed. I had to flee to Bangkok because I am also one they want to kill," said Saksit. Saksit used to work with the construction company building the Asian Highway. After the construction of the highway was over, he "borrowed" one of the tractor to build a murrum road 7 km. further so that the villagers could use that road to the main highway. Because of this he was suspected to have built a route for the communists and consequently his life was in danger. Other people's lives are threatened merely because they know or are relatives of some communist guerrillas, or used to fight against local corruption and mistreatment or merely because they are bus drivers between sensitive villagers and the town. For the past two months up until now, people in the district all live in great fear. No body dared to protest against the killings and misuse of power to the provincial governor or

any other local authorities for fear of revenge. Many people have moved to live in other places or moved to the jungle to seek protection from the 'real' communist guerrillas, - as even the policemen cannot deal with these VDV's. For example, on 27/12/78 a VDV was arrested for firing his gun in public without proper reasons, but was on that day released, because a large group of VDV's surrounded the police station, threatening the policemen to release their friend by firing their M.16s in the air.

On 18/11/78, two days after Saksit had petitioned to the PM., the VDV's of Ronpiboon carried out another of their deeds. Four VDV's and a district administrative officer arrested 4 villagers who came to town to buy rice, without telling them of the charges. They loaded the 4 villagers in a lorry and drove to their camp. On the way they told one villager, Suchart Thongsai, to get off saying that he was not guilty. Suchart happily got off, but suddenly the VDV's sprayed their guns at him. Suchart died instantly.

Two of the other villagers, Kainui (last name unknown) and Ian Nuklieng, dared not get off the truck when ordered. They were kicked out and similarly shot dead. The last one survived because his brother used to be a VDV.

"We have to save Ronpiboon, for if we lose it, we will lose several other areas up to Pattalung province", said district chief Sompong, who made a promise that in 5 months "all communist will be completely get rid from Ronpiboon". He contentedly admitted that there have actually been orders to kill the people, but "those who have been killed were not people, they were communists".

About this the director general of the Department of Provincial Administration said that he had ordered an urgent investigation and added that "It is wrong to arrest or kill persons suspected of being communists, because the policy of the Interior Ministry and ISOC is to create good understanding with the villagers to change their opinion and not to kill the people". (Athit 18/11/78)

However, the result of the investigation held by a team of inspectors of the Department of Provincial Administration, Intelligence officers of the VDV Division, Central Intelligence Department officers, and ISOC military and police officers, reached a completely different conclusion from that of the director general of the DOPA. They concluded (without denying the murders) that "Captain Sompong is not guilty but has carried out an admirable task of whitening (getting rid of all communists) many areas which used to be under communists influence and should thus be rewarded for his courageous deeds".

When a high level group of government officials involved in suppression activities admires the government officials and armed forces who kill and mistreat the citizens instead of punishing them; and when the people's request for protection is completely neglected, it seems that the people's desire to live peacefully is merely meeting their basic needs seems further and further from realisation. This is particularly the case when one considers the words of this 'admirable' district chief who said that "Thailand has 45 million citizens, if we kill 2-3 million communists, it is not any problems at all, is it?"

(P.S. We have names of nineteen of those killed in Ronpiboon over the last two months, and all these appear to be ordinary villagers.)

4. Academic and Intellectual Freedom

A. Freedom of the Press

In the previous issue of "Human Rights in Thailand Report", we pointed out many incidents which clearly revealed that press freedom was being increasingly violated and reduced. These ranged from official warnings and censorship through revocation of license, the arrest and even assassination of newsmen. During the past two months, the situation of the press has unfortunately become worse. The Police Department withdrew the license of 57 daily newspapers and threatened that it would take legal action against 32 weekly papers using daily paper licences. And in addition three more newsmen were shot dead during this period.

On 9/11/78 the policemen revoked the publication and editors licenses of 51 daily newspapers in the Thai, English and Japanese languages which had never actually been printed for public distribution, and stated they would take legal action against another 32 papers which had a licence to publish on a daily basis but actually were printed as weeklies, and which had "misled" the public by printing the official name on the licence in small type while the big headline carried a different name (i.e. the former name before its closure).

On the following day (10/11/78) the Prime Minister and Interior Minister told reporters that newspapers will be allowed to publish only one edition a day, giving as the reason the fact that they wanted to stop the press from making a profit on producing many editions.

A few days later Deputy Defence Minister, Gen Yos Thephasadin strongly attacked newspapermen for their irresponsible actions.

These announcements put the newspaper circle in chaos. It should be noted that the traditional practise of having publication licences without actually printing papers results from the fact that almost every government has such an oppressive policy regarding the press that any papers can be closed down at any time for the slightest reasons, therefore the press had no option but to acquire extra publication licences as a reserve in case their papers are closed down.

On 11/11/78 the five press associations and representative from every newspaper in Bangkok held an urgent meeting and resolved to submit petitions to the Prime Minister, the Interior Minister and the Press Officer of Bangkok. In their petition, the associations outlined six points which they felt should be considered if freedom of the Press was to survive. One important point calls on the government to discuss Press Bill drafted by the associations, which was forwarded to the Prime Minister on June 30, 1978 and calls for the abolition of the Printing Act of 1941 and NARC Decree No. 42. The association insisted that a new Press act which would give "freedom to the Press under a just law in accordance with a democratic system" should be promulgated. The associations also pointed out that newspaper closure could lead to press monopolies which

are undemocratic and "curb the freedom of people to gain information and knowledge."

The associations also pointed out that there are many papers, whose licenses were revoked, that have actually been printed regularly. For example, Ruam-Kao, Kao Muang Non, etc. So far, at least one such paper, Pim Thai Chivit, has sued the Head of the Police Department against the revokation of his licence.

It should be noted that although this "shock move" against the press is designed to deal with some daring and progressive papers, it has a significant effect on normal provincial papers as well, because most of the provincial papers are only published periodically, for instance once a week or bi-weekly when the lottery results are announced, which is contrary to their daily publication licenses. Consequently if the Printing Act is so strictly interpreted, almost all provincial newspapers may face closure.

Apart from this oppressive announcement, threats and action against the lives of the newsmen continued. On 15/11/78 Mr. Somchai Tiratana (40) editor of Samsuang newspaper published in Lopburi province and a reporter for many Bangkok newspapers was shot dead in his car. One week later, on 23/11/78, an editor of Bangrachan newspaper, published in Saraburi province and a stringer for a Bangkok newspaper, Mr. Supot Vek-aroon (32) was gunned down and killed, together with a senior provincial legislator. Later on Mr. Prayong Ngiabjungreed (37), a reporter of Rajsrima newspaper was murdered; his body was found in a swamp in Nakornrajsrima province. The three murdered newsmen were all courageous reporters and editors who had always written columns and reports disclosing corruption and misuse of power of government officials and influential people in their provinces.

B. Academic Freedom

At the moment it seems that the placidity amongst university students and teachers immediately after the bloody event at Thammasart University in October 1976 has faded away. The years of enforced silence due to severe oppression are now over. Throughout the second half of this year, Thai students taken up many activities again, particularly those relating to the wider society; in addition the students have actively struggled for their own justified academic rights. For example, the two-month struggle of Thammasart students against the policemen who broke into the student union at night without warrent, the protest of Chula students against the building of a trade center on the university's land, etc. All these struggles have however been strongly opposed by government authorities and university administrators.

The most dedicated struggle of all during the past two months or so has perhaps been the struggle of Thammasart Students against Chanasongkram

policemen who secretly intruded into the student union office at night time on October 4th without a search warrant. This allegation was at first firmly denied both by university administrators and the inspector in charge of Chanasongkram police station. However, when the result of a three-man university investigation committee concluded that the allegation of police intrusion was "true", both the university and police could no longer deny the allegation. But still the students demand for the university administrators to take legal action against those policemen, and to transfer the persons in charge of the security measures in the campus were denied. The university administrators even told the protesting students that they had given a gate key to the police so that they could enter the university at any time.

Although the students failed to force their administrators to take legal action against the police, they have succeeded in making both the administrators and the police publicly accept that they had broken the law and interfered with the students' personal rights, and also made it clear to the public how close these people are working together.

The struggle of students at Chulalongkorn University indicated the students' sense of responsibility to the society. The administrators of Chula, Thailand's richest university, decided to build a huge trade center (costing 1,000 million Baht) on the land of the university. The building would make the already heavy traffic problem and air pollution at the area get even worse. In addition, the building would benefit nobody, except for the university administrators and the construction firm. Students held debates, made announcements and posters disclosing the bad effects the building would bring, etc. And finally the building of the trade center was rejected by the Town Planning Committee of the Ministry of Interior on 28th December 1978.

In addition to the above two actions teachers of Chiangmai University sent a petition to the PM. (on 25/12/78) against the undemocratic University Bill that would be considered by the cabinet. On 14/12/78 student representatives from 10 universities and colleges met and agreed to press for changes in the university regulations governing students. Other activities took place such as students' protests against the return of rector of Ramkamkaeng Dr. Sak Fhasukniran, who played a major role in sparking off student demonstration which led to October 14th, 1973 uprising, was neglected by university council and cabinet, etc.

All these activities were carried out by students and teachers in spite of the existence of martial law is a really good sign. Of course, many of these struggles did not produce fruitful results, particularly where they conflicted with the interests of those in power or the security of the country. For example students who went to the countryside in September 1978 to help the people suffering from the flood were accused of being communists.

In spite of failures, however, these activities have strengthened the unity of the students, filling up the gap of experience that was intentionally broken two years ago.

5. The Human Rights Situation of the Workers

During the past two months, Martial Law, and the various decrees of the National Administration Reform Council (NARC), (which ban strikes, meetings and demonstrations of workers) have been increasingly challenged. There have been strikes, go-slows, petitions, protests and demonstrations; and in all of these, though the demands were not necessarily met, those involved were not arrested. Thus in one respect the period covered by this report has been one where workers have been increasingly ready to struggle for their rights. In another respect however it seems that the involvement of outside political elements in these struggles has also increased, with many of the major issues, though definitely relating to the rights of the workers, appearing to have taken place at the time they did because of external political manipulations. It is also significant that most of the labour struggles (apart from the continuing TBS issue that we reported on in the previous report) have involved what might be called elite labour groups (e.g. in state enterprises, banks, etc) who are already very much better off than the average worker. The really oppressed workers, who are not even earning the minimum wage, remain voiceless and unorganised.

The Activities of Government in the Labour Field

Basically, despite the good intentions of some officials and government leaders, and the existence of many laws in the interests of workers, there is much greater sympathy, between the government and capitalists, than between the government and workers.

Thus at the beginning of November a factory employing children very much as slaves in Dickensian conditions was raided by police. The child workers were suffering from overwork (17 hours per day), malnutrition, and disease, to such an extent that there was a huge public outcry. The existence of a whole network of agencies which bought children from poor families in the N.E. was uncovered, and for a while it was thought that officials would clamp down on the whole sordid business, and the many hundreds of factories or sweat shops employing children would be closed. However within a couple of weeks the whole issue had been forgotten. The police fined these running the "employment" agencies 1,000 Baht only, released those involved in the first scandle on bail (probably to quietly drop charges), and by the time the third factory was uncovered the owner was only "warned" even though children under the legal age were being forced to work 13 hours a day for 180-200 Baht per month.

A similar situation applied with the new minimum wage. On 18/11/78 it was reported that 200 factories in Bangkok were not paying the new minimum wage, but no action was taken against these factories. By 30/11/78 this figure had increased to 823 industries, and all the government did was to "warn" 62 of them. Since workers in small factories do not dare protest for fear of instantaneously loosing their jobs, and those in the larger but politically

insignificant industries cannot protest for fear of being arrested, if government itself cannot take action against those who flagrantly break the law, the new minimum wage has very little meaning.

Because of the obvious coalition between capitalists and government it is very difficult to see how in practice two new government moves, theoretically designed to help workers, will in fact do so. These two new regulations are the setting up of Labour Courts, passed by the National Legislative Assembly on 6/12/78, and the compulsory participation of employers with more than 20 employees in 18 provinces in a government sponsored workers provident fund (as long as they do not have their own private insurance arrangements approved by government).

The Labour Courts will have three "Judges", one official judge, one representative from labour, and one from the employers. It is likely that the employers representative and the judge will normally side together as they come from common backgrounds, and it is also likely that the labour representative will either be "socially" intimidated by the other two, or corrupted. Thus even if some of the really exploited workers had the time to take their problems to the labour courts (which they don't, since for the really exploited, if they do not work one day, they and their families go hungry), the chances of the courts deciding in their favour seem quite slim.

In terms of the provident fund, since government is not even willing to enforce the minimum wage, there seems only scant chance of it ensuring the payment of employers' contributions to the provident fund.

At a meeting organised by the Labour Department on 23/12/78 to assess labour problems, attended by 160 representatives from 83 unions and 12 employers associations, the extent to which government and security organisations interfered in labour dispute came to light. For example the fact that government had encouraged the establishment of more than one Labour Council (so one could be played off against another), and the role that ISOC had been playing in the TBS issue was discussed.

Finally it should be mentioned that the PM. continues to "play politics" with union leaders to meet his own particular goals. For example it appears that there was a trade-off between the PM. and Paisal Thawatchainan and Suathon Kaewnet at the time of the Thai Tobacco Monopoly strike, with these labour leaders agreeing to propose in the National Assembly that the PM. have the right to appoint senators as a payoff for the PM.'s concession over the strike (which was organised by Paisal, not by the TIM leadership)

The Thai Bulk Service Controversy (TBS)

As we discussed in the last report, the central issue was whether

industries should be allowed and encouraged to mechanise unnecessarily, given the present high levels of unemployment, when such mechanisation would put large numbers of workers out of a job. This central issue only managed to surface from time to time during the continuing controversy, (for example when it was announced on the 6/12/78 that there would be a gradually escalating wave of protests by 83 labour unions until this central issue was solved). Most of the time employers, army, government, and ISOC managed to redirect the issue to one of how much compensation the unemployed workers would receive; who this compensation should be paid to (thus promoting tremendous disunity and fighting between different labour groups and unions); and how the compensation that had already been paid never reached the workers but was kept by the union leaders (thus compounding mistrust and interunion rivalries).

Basically the whole of this "BS issue has been cleverly manipulated by government and capitalist forces, so that not only has the original legitimate concern of the workers been covered/^uBut also the unity that had developed in July amongst the different labour councils destroyed, and an atmosphere of mistrust created. Those who are interested in the struggle for labour rights, must study the tactics used to divide the workers, so that these can be prevented in future.

Strikes, Protests and Demonstrations by Workers

The past two months have been significant, particularly because there has been a wave of protests, demonstrations, and strikes. Despite the existence of martial law, no one has been arrested, and in many cases the workers' demands have been met at least partially. Admittedly most of these workers actions have been carried out by the better organised workers in state enterprises or banks who already have relatively good conditions of employment, but nevertheless they have shown up the inability of the government to take the necessary punitive measures in the face of united workers action in the present political climate.

The 4-5 day strike (26/11/78-30/11/78) at the Thai Tobacco Monopoly (TTM) factory was particularly significant for four main reasons. Firstly because the workers did not back down, even when the PM. and military leaders ordered and threatened the strikers to return to work. Secondly because the strike was not organised by the TTM union leadership (the TTM union leader resigned after the strike was settled because "he could not control the strike") but by the Labour Congress of Thailand under Paisal Thawatchainan. Thirdly because political bargaining with the PM. over the new constitution was involved in the settlement of the strike. Finally because the strike was immediately followed by similar demands from all other state enterprise unions for the same conditions of employment as enjoyed by the Telephone Organisation of Thailand workers (the best paid of state enterprise workers). First leaflets were distributed demanding these conditions for MWWA workers, then for six state enterprises, then for 19 state enterprises.

The other major workers action was a go-slow called by State Railway of Thailand mechanics and engineers. Within a day they had won their demands with no reprisals. (12/12/78 - 13/12/78)

In addition to these major labour struggles, there were a whole host of other protests, demands, and demonstrations organised by various groups, most of these taking place at around the time the new constitution was being considered by the National Assembly, perhaps to try to create an image of instability in the country. These actions included demands from Bangkok Bank, Saha Malayan Bank, and Bangkok Metropolitan Transport Authority workers, and assistant teachers, and demonstrations by busmen (against minibuses), minibus drivers, massage parlour girls etc.

However without the right to organise, to hold meetings, or to strike, it is very difficult for the workers to really demand their rights, particularly since after two years of political repression and prohibition of workers actions of any kind, all but the stronger unions have faded into inactivity.

Only when the labour unions are again allowed to struggle for the rights of their workers, when they can call for assistance from other unions in strengthening their organisations, can call meetings, and can withhold their labour without reprisals from their employers, do they have any real chance of being able to fight for their justified rights. These combined with the demand that the authorities strictly enforce the labour law were the main proposals made by the meeting on the 23/12/78, attended by the representatives of 83 unions, and organised by the Labour Department. Let us hope the government hears these legitimate requests before the situation, with rampant inflation, reaches, a bursting point.

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

1. Activities of CGRS.

The most significant activities of CGRS. and other Human Rights groups during the two month period covered by this report was a human rights conscientization campaign to commemorate the 30th Anniversary of Universal Declaration on Human Rights which fell on December 10th. Apart from this, CGRS. still continued with its regular activities such as visiting and helping political prisoners listening to trials and providing legal aid to the prisoners. So as to strengthen its good relationship with the lawyers, CGRS. also hold a meeting with a group of lawyers and prosecutors at which there was a dialogue of how CGRS. and the lawyers could help each other to provide greater justice in the society.

A. Visiting and Helping Prisoners and Their Families

CGRS. continued to visit political prisoners in Bangkok at least once a week at every prison, and on a less regular basis the prisoners up-country. On its visits, CGRS. provides prisoners with all necessary assistance and also moral support. In addition, for those prisoners from up-country being detained in Bangkok who had never received any visits from their wives or children at all since the first day of their imprisonment in Bangkok, CGRS. helps some of their closest relatives to come to Bangkok and visit them. For example in December it has helped the wives, mothers and children of 5 prisoners in the Udom Pka-krong case come to visit their loved ones in Bangkok.

B. Listening to Trials and Providing Legal Aid

CGRS. keeps gathering information and systematically filing the details of the trials and legal procedure of many groups of political prisoners, and on other cases involving injustice both in Bangkok and up-country. It also provides legal aid to the prisoners and gives financial support for documents, travelling and lodging expenses to the lawyers defending political cases, and other cases involving injustice.

In mid December CGRS. organized a meeting in which a group of lawyers and prosecutors were invited. One of the significant topics discussed during the meeting was how CGRS. and the lawyers could co-ordinate and support each other in dealing with the injustices that occur in Thai society. A similar meeting was held with lawyers in the North^{east} of the country.

C. December 10th Campaign

Realising that the 30th Anniversary of the Universal Declaration on Human Rights could be an occasion for a great human rights conscientization campaign in the country, CGRS. prepared for such a campaign about 5 months ahead, so as to gain as much participation from as many different groups as possible.

In September CGRS. announced a painting and slogan competition on the issue of human rights. The children's painting competition was officially supported by the Ministry of Education. Over 350 paintings and 600 slogans were sent from all parts of the country to participate in this competition. (One of the winning paintings and slogans is on the cover of this report.)

The Human Rights exhibition and painting exhibition was held in Bangkok for one week (Dec 8th-14th), together with 3 days (Dec 8th-10th) of film and slide shows, Theatre performance, musical shows, poetry readings, shadow puppet show and a panel discussion (on "The UN. Declaration on Human Rights and Thailand"). All these were designed to create an awareness of human rights. For example, the slides were on political prisoners in Thailand, the traditional shadow puppet show was performed by a southern political prisoner released on bail, telling the story of the situation in the southern sensitive areas, etc. A large number of people attended the shows each day.

In addition to these activities CGRS. carried out direct symbolic action on Dec 10th such the release of 30 birds outside Ladyao Prison where Supap Pasaong and friends were detained, the issuing of a Thai human rights declaration (which was signed by 305 people) in front of the exhibition hall, followed by the release of about 300 paper birds tied to balloons. On that day people were asked to stick paper flowers (which had been distributed 5 days before) as a sign that they supported HR. Also, 2000 balloons printed with words demanding HR. were distributed to children at the areas where HR. are only rarely understood, such as the slum areas.

In addition CGRS. has published one book on HR. and children, illustrated with children's paintings and also 2 pamphlets, one about the HR. day and the other on the Universal Declaration on HR. The publication of the book was partly supported by many private organizations and individuals.

2. Activities of Other Human Rights Groups

Not only CGRS. actively celebrated the 10th Dec., but also many other groups both in Bangkok and up-country, including the Ministry of Education, student unions in many universities, colleges and schools, women groups, the Labour Council of Thailand, etc. In addition, many newspapers and magazines made a special issue on human rights^{on} and around December 10th.

During Dec 4th-10th, a Human Rights Week was jointly held by the Women Lawyer Association, the Status of Woman Promotion Group and the Labour Council of Thailand. There was a HR. exhibition disclosing the real human rights situation in the country. On Dec. 7th there was a panel discussion on "Human Rights Promotion" and film and slide shows.

In addition to three different posters on the Human Rights Day (produced by the Human Rights Week organizers, the Labour Council of Thailand and CGRS), 50,000 stickers produced by a group of university teachers were widely sold at cheap price.

A panel discussion on "Human Rights in Thailand" (by Mr. Marut Boonnag, a former president of the Lawyer Association of Thailand and Dr. Saneh Chamariy, Chairman of the Human Rights Research Group) was broadcasted on December 10th.

Students in Bangkok and up-country also actively participated in this campaign. HR. exhibition, panel discussions, music, film, slide and other artistic performances were carried out on and around Dec. 10th at Chula, Thammasart, Ramkhamhaeng, Mahidol (Siriraj), Konkaen, and Chiangmai universities and also in some other colleges and schools.

In short this campaign received so much participation that it really became a national campaign.

PART FOUR: SUMMARY OF THE NEWS

1. The General Political Situation - The Government Side

A. Overview

Because of the fact that Kriengsak has definitely lost the support of the ultra right (where a considerable portion of the military power lies) and has, as yet, failed to build up his own strong military power block; the inherent instability in the political situation which has existed since March 1978, has continued over the two month period covered by this report. This instability has not remained constant, but instead has moved in waves as the PM.'s opponents (from many different factions) attempt to create a sufficiently strong issue to unite the opposition, only to have the PM. counteract with considerable skill both by defusing the issue, and at the same time 'y making concessions to one group in order to prevent a united opposition developing.

Right at the beginning of November when the constitutional crisis was at its peak, so was the overall instability. However by the 3/11/78 when it appeared that the constitutional scrutiny committee would accept all the PM.'s points, things quietened down again. At the time of the second assembly reading when the National Policy Council was making a last ditch stand to have a say in appointing senators there was "ccidentally" a wave of strikes and demonstrations. When the second reading passed the situation again calmed down for the duration of the Asian Games, but no sooner had these ended when again the stability began to fragment with the rising wave of university protests., the fabricated shortage of diesel fuel, and the Laos border incidents

During each of these periods of instability coup rumours developed, to such an extent that First Army Region Commander, Lt Gen Thep Kranlert, (brother in Law of Prapass) had to publicly state that he was against the return of the properties of Prapass, and would "quash any coups" (18/11/78) Three days later Navy Commander in chief, Adm. Kawee Singha said the "time was not yet ripe for a coup". It should be noted that the PM. was trying to close the "properties" issue once and for all in the public's eye. For example on 3/11/78 Siam Rath announced that 91% of the population was against the return of the trios properties, whilst on 14/11/78 the government Public Relations Department announced that almost 100% of the population was against the return of these properties.

As always in an attempt to prevent a unification of the opposition against his property and constitutional moves, the PM. had smuggling charges dropped against right wing monk - Phra Kittivukho, in an "about face decision" The scandles surrounding Phra Kittiwulho, involving the supplying of arms to the Free Khemer, and smuggling had rocked the country earlier the year.

In summary Thailand moves into 1979 in a much less stable political position than she moved into 1978, despite the fact that one of the last acts of the year was Adm Sangad Chaloryu's admittance of defeat by publicly stating he was quitting politics for good.

B. The Constitutional Crisis

The constitutional crisis which occurred from mid October to the end of November was not really a crisis over the constitution, but over who would have power in the next government; the PM., or right wing elements in the NPC. The main issues - whether there should be a bicameral system or not and if so who should be speaker of the two houses; who should appoint and approve the appointment of senators, the PM. or the NPC.; and whether the NPC should continue to exist; - were not constitutionally substantial issues, but were crucial in determining who the next government would be controlled by.

By the 3/11/78 it appeared that the constitutional scrutiny committee was backing down to the PM.'s demands. This feeling was supported when Gen Serm Na Nakhon (an enemy of the PM.) came out tentatively in favour of most of the PM.'s proposals (3/11/78), and further supported when Adm. Sangad Chaloryu said (on 10/11/78) that he had no objection if the NPC was abolished (he is chairman of the NPC.). He strongly attacked the scrutiny committee for making the amendments "which contributed to the state of confusion", which added to many people's feeling that the whole crisis was engineered by the PM.

By mid-November the issue again started boiling, with more leaflets being distributed by left wing "democratic soldiers" demanding a really democratic constitution; and the NPC making a last ditch attempt to retain some power, through at least approving the appointment of senators, which was at first accepted by the NIA with a vote of 133-1 on 24/11/78. This latter move coincided with the TTM strike and a wave of "apparently" unconnected labour protests and demonstrations (see section 5 of Part Two above). However on 29/11/78 the PM. met labour leaders, concessions were made to the strikers and protesters and on 30/11/78 Sunthorn Yaewmet of the Labour Congress of Thailand, proposed to the assembly that the PM. should be solely responsible for the appointment of senators, which was surprisingly passed with a large majority.

Thus in the end the PM. got virtually everything he wanted. The NPC was to cease to exist, there would be a bicameral system, the senators would be appointed by the PM. (3/7 of the total assembly membership), the PM. need not be elected, and the speaker of the two houses would be the senate speaker. The only major concession he had to make was to give up article 191 which would have given him absolute powers similar to article 27 of the current constitution. His future as the PM. of the country (without there being a coup) was ensured. He thus rapidly made statements to protect himself against a coup by stating that he would select the senators not from senior commanders (who were "too busy" - Plotting?), but from the young field commanders (the young Turks, who actually commanded the troops), thus trying to bypass the high level military officers in the NPC (who he had offended) by forging an alliance with the more junior officers.

The PM. saved his coup-de-grace until after the constitution passed its final reading on 18/12/78, when he announced that in order to maintain national unity he definitely would not stand for election. Over the previous six months, to maintain his legitimacy he had made many hints that he would stand, but with 3/7 of the total assembly membership in his hands why should he take the risk?

C. Communist Suppression

The government is becoming increasingly concerned about its inability to control communist activities. Despite its efforts, base areas in forests in different regions in the country continue to expand, as do urban support networks; the misuse of power by VDV's and the armed forces increasingly is alienating ordinary villagers, village scouts are becoming more of a liability than an asset (because they are used by influential people for their own ends and even infiltrated by communists); and corruption and exploitation remain rampant.

Though the main issue over the past two months in terms of communist suppression has been the debate over the new draft communist suppression act, and its balance between liberalism and suppression, other important steps and decisions have been taken. For example, on the recommendation of Gen Prem Tinsulanond it was agreed on 1/11/78 that forests throughout the country would be closed to ordinary people for five years (ie. villages in forests would be forcibly relocated) in order to allow the government to destroy the base areas. Two days later Gen Prem set up a committee to reorganise the VDV's and bring them more directly under the control of local government to "reduce their misuse of authority". Again on the suggestion of Gen. Prem the cabinet theoretically decided to "declare war on influential elements who use government officials as instruments to build up their interests, and exploit the people" (21/11/78). However this declaration did not seem too effective as two weeks later three high level police officers watched their "influential" host murder a corporal in a Nakorn Sri Thamaraj night club, and walk away without being stopped.

On 16/11/78 a highly respectable committee, chaired by HM the Kings principal secretary was set up to promote village scout activities and to establish guidelines regarding their work and activities so that these would be in line with the governments policies.

Gen. Prem's main struggle within the government over the past few months has been over the draft of the new Communist suppression act. The much watered down version of the draft was approved by the cabinet on 19/12/78 and in first reading by the NCA on 28/12/78. Early in November when it had been first published it had been attacked by many agencies including the five press associations who felt that it would make it very difficult for newspapers to operate anywhere in the country.

Generally speaking the draft of the new act is a considerable blow for basic rights in Thailand, for it turns the whole country (not just the current 38 sensitive provinces) into a communist suppression zone, and allows anyone anywhere to:-

- be detained for up to 480 days if suspected of communist activities before charges formally have to be made.
- have their houses searched without warrant be quite junior people (C.3 officials and up)
- not be able to seek compensation or damages for false arrest, house search to their property during suppression activities, and any other activity carried out by officials during suppression operations.

In addition it gives officials the right to ban public gatherings for political or other purposes; to stop and search suspects at any time; and restrict the sale of medicines and any other essential commodities. There is no provision for compulsory autopsies on those killed in suppression activities, and though arrests do have to be reported to the local suppression commander within 48 hours. This is unlikely to provide much protection. Further provisions include operators of businesses having to report on their employees; detention of anyone for interrogation or reeducation for up to 15 days; order a check on any printed materials, and ban their sale where necessary; ban any undesirable radio transmissions; and close any public places or traffic routes (all without the possibility of compensation).

Through the above provisions, and a streamlining of the organisation of suppression activities, the government is given much greater power (particularly in the non-sensitive areas of the country) than it has at present, through denying people all over the country many basic rights. As soon as the new act is passed we can expect increasing misuses of power and injustices in every corner of the kingdom. Altogether Gen. Prem seems unfortunately have dropped his wisdom in dealing with the communist problem with a minimum of suppression.

On a final note of depression for 1978, it seems that the Thai Government is beginning to exploit the hilltribes in the same way as the CIA did in Laos. On 24/12/78 Maj Gen Sudsai Hadsin (Red Gaur Leader), ISOC hilltribe division commander, announced that 500 hilltribes had been armed to fight against the communists.

D. PM.'s Visits to Laos Postponed

One of the elements of the PM.'s policies that annoys his critics more than any other, is his efforts to establish normal relations with Thailand's communist neighbours. The PM. was originally planning to visit Laos

from 20-23 December. The first attempt to stop this visit was on 14/11/78 when it was announced by police that they had uncovered a plot to have a "mass infiltration of Thai students from Laos". As this did not produce the desired effects, on 13/12/78 there was a border clash and a Thai patrol boat was sunk. On 15/12/78 another boat was sunk. On 17/12/78 the PM. cancelled his visit. On 18/12/78 there was an anti Laotian demonstration organised by Nawopol, and led by a Pol Master Sgt. who despite the existence of martial law was only fined 50 Baht. By the 18/12/78 responsibility for the incident became much less clear (Thai right wing ? or Laotian supporters of Thai insurgents? both of who are against a normalisation of relationships). By 20/12/78 the PM. had already decided he would go ahead with the visit from 4/1/79 to 6/1/79.

2. The General Political Situation - The Revolutionary Side

The potential split in the United Front that was discussed in the last issue of "Human Rights in Thailand Report" seems to continue to grow, as the CPI allies itself more and more with the Chinese in the Chinese Soviet conflict, and the socialists with the Russians.

In a statement issued by the Secretary General of the CPT to mark the 35th anniversary of the party, it was made clear that the CPT was in favour of China and against "the Soviet revisionist trend". Significantly on the 35th anniversary itself (1/12/78) the Soviet ambassador made a statement that the USSR was "not supporting the insurgents in any way".

It appears that the CPT realises that it has a long struggle ahead, and is at present not attempting to "liberate" any areas, but instead is trying to consolidate and protect its jungle and mountain bases, whilst at the same time it carries out political education activities in the surrounding areas and the towns. Fortunately it is currently avoiding armed conflict as much as possible though unfortunately this is not its long term strategy. A new form of action was taken on 26/12/78 when a train was held up in Surat Thani and robbed of 1.2 million baht and one policeman killed.

STOP PRESS: The Vietnamese invasion on Kampuchea is adding a new instability to the political situation. It could on the one hand provide the issue which the PM.'s right wing opponents of "detente" and "liberalisation" have been lacking for to unite around. On the other hand it is likely to produce a greater isolation of the pro Chinese CPT.