

article

- 2(3). Each State Party to the present Covenant undertakes:
- a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - c) To ensure that the competent authorities shall enforce such remedies when granted.

of the International Covenant on Civil and Political Rights

About *article 2*

article 2 aims at the practical implementation of human rights. In this it recalls article 2 of the International Covenant on Civil and Political Rights (ICCPR), which reads,

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - (c) To ensure that the competent authorities shall enforce such remedies when granted.

This is a neglected but integral article of the ICCPR. If a state signs up to an international treaty on human rights, it must implement those rights and ensure adequate remedies for persons whose rights have been violated. Mere talk of rights and formal ratification of international agreements has no meaning. Rights are given meaning when they are implemented locally.

Human rights are implemented via institutions of justice: the police, prosecutors and judiciary. If these are not functioning according to the rule of law, human rights cannot be realized. In most Asian countries, these institutions suffer from grave defects. These defects need to be studied carefully, as a means towards strategies for change.

Some persons may misunderstand this as legalism. Those from countries with developed democracies and functioning legal systems especially may be unable to grasp what it means to live in a society where 'institutions of justice' are in fact instruments to deny justice. As persons from such countries guide the global human rights movement, vital problems outside their experience do not receive necessary attention. For people in many countries, international human rights discourse then loses relevance.

After many years of work, the Asian Legal Resource Centre began publishing *article 2* to draw attention to this vital provision in international law, and to raise awareness of the need to implement human rights standards and provide effective remedies at the local level in Asia. Relevant submissions by interested persons and organisations are welcome.

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Introduction: Extrajudicial killings of alleged drug dealers in Thailand

Editorial Board, *article 2*

The extrajudicial killing of some 2000 people accused of involvement in the drug trade in Thailand between February and April of this year is the subject of the special report in this edition of *article 2*. For the most part, these persons were shot dead by “unidentified gunmen” after reporting to police stations undertaking a campaign to eradicate drug dealers in Thailand within a three-month period. The campaign was begun via a raft of orders issued by the Thai Prime Minister, Thaksin Shinawatra, and was buoyed on by comments made throughout this period by the Prime Minister and his subordinates to the effect that the lives of alleged drug dealers are worthless.

Sections 33 and 75 of the Constitution of the Kingdom of Thailand contain provisions corresponding to article 14 of the International Covenant on Civil and Political Rights (ICCPR), to the effect that all persons are equal before the law and are presumed innocent till proven guilty. However, in implementing this campaign the Thai Prime Minister created a special category of persons, alleged drug dealers, for whom these provisions needed no longer apply, for whom any pretence of ordinary criminal procedure could be abandoned. In so doing, the killings may amount to a crime against humanity under article 7 of the Rome Statute of the International Criminal Court. This begs the question as to whether Thailand has in fact declined to join the Court on the grounds that the King would be subject to its jurisdiction, as was argued publicly, or rather because its Prime Minister was afraid that he might one day find himself in the dock.

This report opens with translations of the Prime Minister’s orders that precipitated the three months of murder. A chronology of events by Meryam Dabhoiwala follows, then some case studies of killings that occurred during the campaign. Nick Cheesman writes about aspects of the campaign in more detail, and a comment on its implications for human rights and the rule of law in Thailand by Basil Fernando follows. The report concludes

with a statement by the Asian Human Rights Commission from early in the campaign, and finally, some reflections on how to address the consequences of this crisis. The editorial board also wishes to acknowledge Kishori Kedlaya for undertaking most of the field research that formed the basis for these articles.

The report is dedicated to the 2000-plus victims of the ‘war on drugs’, whoever they were and without regard to whatever accusations may have been leveled against them. It reaffirms their right to have received due process in accordance with their country’s Constitution and its obligations under international law.

“In implementing this campaign the Thai Prime Minister created a special category of persons for whom any pretence of ordinary criminal procedure could be abandoned”

Prime Minister's Orders Nos 29–31/2546

Prime Minister's Order

No. 29/2546

Re: The Fight to Overcome Narcotic Drugs

...

2. Purpose

To quickly, consistently and permanently eradicate the spread of narcotic drugs and to overcome narcotic problems, which threaten the nation.

...

6. Administration

6. 1. In order to overcome narcotic drugs, there shall be the National Command Centre for Combating Drugs (NCCD), to be a command organ at the national level. There shall also be Operation Centres for Combating Drugs at different levels, to be the prevention and suppression centres for drugs in the regions. The appointed Deputy Prime Minister shall be the Director of the NCCD, who shall have the powers and duties to establish, amend or increase the number of centres or operating organs in the central and regional areas, including along the borders by land and by sea; so that they shall be responsible for the fight to overcome narcotic drugs.

These are unofficial partial translations of the three orders by the Prime Minister of Thailand, Thaksin Shinawatra, on 28 January 2003, launching the "Concerted Effort of the Nation to Overcome Drugs" campaign on 1 February 2003, popularized as the 'war on drugs'. No official English translations of these documents exist. Other parts of the orders give organisational charts and further subsidiary details of administration.

6. 2. To develop structure, assemble strength, administer, direct, supply logistics, communicate, report, follow-up and evaluate the operations of the National Command Centre for Combating Drugs and the operation centres or organs for combating drugs at all levels, in accordance with the assignments made by the Director of the NCCD.

6. 3. All government agencies, local administration organs and public enterprises shall give the National Command Centre for Combating Drugs and the operation centres or organs to overcome narcotic drugs at all levels support as the highest priority. There shall be a unified and result-oriented management system to respond to the “Concerted Effort of the Nation to Overcome Drugs” policy and the action plans to overcome narcotic drugs.

6. 4. The Office of the Narcotics Control Board shall expedite the administration and support, especially in the policy-making process, technical process, legislation and regulations, and cooperate, follow-up and evaluate the fight to overcome narcotic drugs, so that it can be implemented swiftly, efficiently and effectively as planned. In any case where there are problems relating to the implementation of organs, or agencies, such shall be presented to the Director of the NCCD to consider, judge, interpret and order accordingly.

6. 5. The Bureau of the Budget and the Ministry of Finance shall formulate a system and prepare the budget to support the operation and implementation of this order. They shall provide rewards or special levels of salary to the operating officials who fight to overcome narcotic drugs with outstanding performances and to the staff working at the National Command Centre for Combating Drugs and at the Operation Centres for Combating Drugs at all levels.

...

Prime Minister’s Order

No. 30/2546

Re: The Establishment of the National Command Centre for Combating Drugs

...

2. Powers and Duties

2. 1. To prescribe policies on drug intelligence, to follow up, evaluate the situation of drug problems, to prevent and suppress drugs.

2. To formulate action plans to combat drugs pursuant to the “Concerted Effort of the Nation to Overcome Drugs” and guidelines of the fight to overcome narcotic drugs, but all these shall be in accordance with the guidelines of the Office of the Narcotics Control Board.

2. 3. To direct, command, expedite, supervise, follow-up and evaluate the implementation of government agencies and other organs concerned at all levels.

2. 4. To prescribe cooperation guidelines of due process at all levels, to expedite and become effective in preventing and suppressing drugs, including to make clear operation guidelines for such proceedings.

2. 5. To cooperate with foreign countries to reduce the problems of drug production, to control precursors, chemicals, drug producing equipment, transport, import, export and drug traffic.

2. 6. To coordinate the intelligence and security operations relating to drug problems, especially the problems of armed forces along the borders, the trade of war weapons, thefts of vehicles, foreign labour, terrorism and transnational criminal organs.

2. 7. To propose to the Prime Minister or the cabinet to transfer government staff or state enterprise officials who are not suitable in the area, to give rewards, to inflict punishments, to set stimulating criteria, to protect and to guard the civil servants and citizens who prevent and suppress drugs. With the exception of the case where the appointment and transfer of, or order for, officials working on the protection and suppression of drugs to perform other duties is made, the original body shall first seek the opinion of the Director of the NCCD.

2. 8. To appoint a sub-committee or a task force to perform any tasks as assigned by the NCCD.

2. 9. To report regularly on the results of the operations and the situation of drug problems.

2. 10. To perform other tasks as assigned by the Prime Minister and the cabinet.

3. To develop structure, assemble strength, direct, supply logistics, communicate, report, follow up and evaluate the operations of the NCCD and the Operation Centres for Combating Drugs at all levels as prescribed by the Director of the NCCD.

4. All central government agencies of all ministries and departments shall, in all cases, immediately respond to the execution of the NCCD. The Narcotics Suppression Bureau of the Royal Thai Police and provincial police shall particularly render assistance and support to investigate, hold inquiries into complicated cases and suppress large-scale narcotic producers and traffickers, influential persons concerned, as well as perform operations as requested by the Provincial Operation Centres for Combating Drugs.

5. The concerned government agencies shall provide officials to be on duty at the Centres 24 hours, as assigned by the Director of the NCCD. The Director of the NCCD shall have powers to assign duties and responsibilities to the deputy director, assistant director, directors, secretary, and direct the officials working at the Centres to perform any tasks within the powers and duties of the Centres.

6. This order shall substitute any orders contrary to or inconsistent with this order.

...

Prime Minister' s Order

No. 31/2546

Re: The Establishment of the Operation Centres for Combating Drugs at Different Levels

...

Appendix A: Bangkok Metropolitan Operation Centre for Combating Drugs (BMOCCD) shall have the composition, powers and duties as follows:

...

2. Powers and Duties

2. 1. To develop an intelligence system on drugs, to follow up and evaluate the situation of drug problems in the Bangkok Metropolitan area and problems in connection with drugs.

2. 2. To make an action plan, plans and other projects to tackle drug problems in the Bangkok Metropolitan area. To support the action plan to overcome drug problems as prescribed, in cooperation with government agencies, the private sector and civil organs concerned.

2. 3. To order or assign government agencies and offices in the Bangkok Metropolitan area to execute the plans, budget and operations in an integrated approach to prevent and suppress drugs.

2. 4. To supervise, coordinate, expedite, monitor, follow up and evaluate the operations of drugs prevention and suppression by the government agencies and private sector as well as civil organs concerned in the Bangkok Metropolitan area.

2. 5. To organise campaigns to protect potential drug addicts and vulnerable groups as well as to provide sufficient treatment and rehabilitation for drug addicts in the communities.

2. 6. To set the targets in the suppression of drugs and to appoint a specific team to work in the target areas or to reinforce the operations as requested.

2. 7. To cooperate with the Narcotics Suppression Bureau of the Royal Thai Police, provincial police and government law enforcement agencies to implement the suppression, investigation, expansion of operations, property seizures and eradication of drug networks.

2. 8. To appoint an investigation team to examine the facts and public complaints and to quickly make operations.

2. 9. To propose authoritative officials or the Director of the NCCD to consider rewards or punishments to the operating staff in the Bangkok Metropolitan area and the areas concerned.

2. 10. To follow-up on and evaluate the operations of drug prevention and suppression in the Bangkok Metropolitan area and to advise agencies and organs for the improvement and development of the operations.

2. 11. To regularly report the results of the operations and the situation of drug problems in the Bangkok Metropolitan area to the NCCD.

2. 12. To perform other tasks as assigned or prescribed by the Director of the NCCD.

Appendix B: Provincial Operation Centres for Combating Drugs (POCCD) shall have the composition, powers and duties as follows:

...

2. Powers and Duties

[As for Appendix A, but substitute “Bangkok Metropolitan area” with “province”.]

Appendix C: Metropolitan Police 1-9 Operation Centres for Combating Drugs (MPOCCD 1-9) shall have the composition, powers and duties as follows:

...

2. Powers and Duties

2. 1. To prepare information of all drug abusers, drug addicts and drug traffickers in the regions, to make the lists of communities with the spread of drug problems, including to survey and to pursue the movement of drug problems in the areas of responsibility.

2. 2. To implement and to cooperate with the government agencies, private sector or civil organs concerned in an integrated approach to be in accordance with the action plan, plans, and other projects as prescribed by the BMOCCD.

2. 3. To organise groups of resource persons and community-relations persons, to rouse the strength of the mass of people in every community in the areas of responsibility to make a concerted effort to fight against drugs and to organise civil voluntary teams for drug protection.

2. 4. To organise treatments and rehabilitation supporting teams for drug abusers and drug addicts in the communities.

2. 5. To organise development activities to support drug abusers and drug addicts to abstain from and quit drugs.

2. 6. To organise drug suppression teams to press, suppress and purge drug traffickers in the areas of responsibility and to coordinate with the BMOCCD to support the drug suppression operation teams to implement the tasks that are beyond their capability.

2. 7. To cooperate with the Narcotics Suppression Bureau of the Royal Thai Police, provincial police and government law enforcement agencies to execute the suppression, investigation, expansion of operations, property seizures and eradication of drug networks.

2. 8. To appoint investigation teams to examine the facts and public complaints and to quickly make operations.

2. 9. To propose to officials with authority or the Director of the BMOCCD to consider rewards or punishments to the operating staff in the areas of responsibility and the areas concerned.

2. 10. To regularly report the results of the operations and the situation of drug problems in the areas of responsibility to the BMOCCD.

2. 11. To perform other tasks as assigned or prescribed by the Director of the BMOCCD.

Appendix D: District or Minor District Operation Centres for Combating Drugs (DOCCD/MDOCCD) shall have the composition, powers and duties as follows:

...


2. Powers and Duties

[As for Appendix C, but substitute “BMOCCD” with “POCCD”.]

...

A chronology of Thailand's 'war on drugs'

Meryam Dabhoiwala, Researcher,
Asian Legal Resource Centre

 On 28 January 2003 Thai Prime Minister Thaksin Shinawatra signed Prime Minister's Order 29/2546, setting down guidelines for the "Concerted Effort of the Nation to Overcome Drugs", widely known as the 'war on drugs,' to begin on February 1. Of Thailand's sixty-three million citizens, three million—roughly five per cent—are estimated to use methamphetamines, or 'crazy pills'. Most are youths, and the growth of drug use among them is widely viewed with alarm. Thaksin stated that "Illicit drugs are a menace to society. Our country will have no future if our children are addicted to drugs. It is the duty of every citizen to fight this drug menace."¹

Although the guidelines emphasized education and awareness, and the treating of drug users as patients rather than criminals, in practice the 'war on drugs' was managed in the manner implied by the expression: killing of enemies. A combination of incentives and warnings were used to have police eliminate as many suspected drug dealers, by whatever means possible, within the three months designated. The incentives were mainly financial, increasing bonuses to officers for drug hauls according to the size of the taking. Prime Minister Thaksin boasted that "at three Baht per methamphetamine tablet seized, a government official can become a millionaire by upholding the law, instead of begging for kickbacks from the scum of society".² Warnings to government officers included threats to transfer, demote or sack those failing to produce evidence of success.

The information forming the base of the government's drug war came from two types of lists compiled by various government agencies and departments – blacklists and watchlists. The Commissioner of the Narcotics Suppression Bureau stated that the names on the blacklists were of people who had been arrested or named in arrest warrants, while those on the watchlists were names of those pending investigation.³ The lists were apparently prepared in August of 2002, as groundwork for the approaching drug war. Agencies were ordered to compile names of those individuals they suspected of being involved in the drug trade;

the Interior Ministry received lists from provincial police, village headmen and district officers. These lists were submitted to the National Command Centre for Combating Drugs,⁴ chaired by Deputy Prime Minister Chavalit Yongchaiyuth. At that stage the government maintained that the lists were prepared scrupulously: lists were cross-checked, and any name appearing in just one list was deleted. Only names that appeared in several lists were added to the watchlist for further investigation. These individuals were then asked to come to the police station “for talks, which the police believe is the most effective and convenient way to find more information about drug-related activities,” claimed a police spokesperson.⁵ Initially, the government aimed to remove all the names on the blacklist by the end of the three-month ‘war’, although this target was later modified.

Four persons were killed on the first day of the campaign. Police Commissioner General Sant claimed that police would only fire in self-defense. Interior Minister Wan Mohamad Noor Matha reaffirmed that “the police would abide by the law in their campaign against drug trafficking”.⁶ However, he later defended killings and disappearances of targeted persons: “They [drug dealers] will be put behind bars or even vanish without a trace. Who cares? They are destroying our country.”⁷ The Prime Minister also endorsed this attitude, saying, “The government’s strategy is to smoke out pushers, who will be eliminated by their own kind. I don’t understand why some people are so concerned about them while neglecting to care for the future of one million children who are being lured into becoming drug-users.”⁸ He later concluded, “[Murder] is not an unusual fate for wicked people.”⁹

By February 5, the Food and Drug Administration’s warehouse for storing seized narcotics was practically full and the Interior Minister said that there had been more than 2000 arrests, along with 3148 promises by former drug dealers to give up the drug trade.¹⁰ At that date “unknown gunmen” had so far killed six people, but by February 13 the death toll—which the government was announcing publicly as evidence of its success—had escalated to 154.¹¹ Disturbingly, while the police denied responsibility for most extrajudicial killings, they were also unwilling to conduct necessary investigations into the deaths. According to Amnesty International, “Authorities are not permitting pathologists to perform autopsies and bullets are reportedly being removed from the corpses.”¹² And according to Dr Pornthip Rojanasunan, acting director of the Forensic Science Institute, in more than half of the cases seen by her the drugs appeared to have been planted on the victims after their deaths—jammed in pockets at unnatural angles.¹³

Among those killed were persons who had voluntarily joined police reform programs, in many cases months before the drug war began. One of them was Jamnian Nualwilai, a former drug peddler in Muang district of Ratchaburi, on February 13.¹⁴ His

“They will be put behind bars or even vanish without a trace”

—Interior Minister
Wan Noor

“I had not the slightest idea that the delisting would end up with my husband being shot dead”

—‘Kik’

wife believes the police killed him and blamed it on his old drug gang. Jamnian had joined a reform program two years ago, and sent in his urine every month to prove he was still clean. Five days before the killing, police commended Jamnian for his conduct and told him his name would be removed from the blacklist. “I had not the slightest idea that the delisting would end up with my husband being shot dead,” his wife Kik said. According to her, traffickers would be better off not joining government reform schemes, because “at least they would not be making themselves sitting ducks”.

Many people were also killed after going to the police station in response to their names being blacklisted. Boonyung Tangtong was one of ten persons in his neighborhood killed after surrendering to the police.¹⁵ According to Boonyung’s 16-year-old son Adirek, before being shot in his own home his father had reported to the Na Chaliang police station. Adirek is certain the police killed his father, alleging, “They were all wearing name and rank tags around their necks, but they didn’t look familiar. They could have come from other places.”

In Chiang Rai, police even put their informers in jail after they found it difficult to meet government targets for arrests.¹⁶ Chiang Rai had started its own anti-drug campaign in October 2001, which according to officials had yielded more than nine million methamphetamine pills and had caused 13,000 drug users to turn themselves in. Officials now had to scramble to fill the new government quotas or risk losing their jobs. On February 15 the Interior Minister was reported as having voiced his displeasure at certain provinces that were not meeting their quotas, warning that they would be assessed on February 19 and at that date sacked, transferred or demoted:

Any provincial governor or police chief who continues to take it easy ... is weighing down the government’s war against drugs. They should check out history books about what King Naresuan did to his generals who failed to keep up with him on the battleground. The King had all of them beheaded.¹⁷

Initially, 90 per cent of the Thai population was reportedly behind the government’s war on drugs, however this was before children began dying.¹⁸ The first child to be killed was a nine-year-old boy, Chakraphan Srisa-ard, who was shot on February 23 as police fired at the car carrying him and his mother. His father had already been arrested. One of the boy’s uncles stated, “The police kept shooting and shooting at the car. They wanted them to die. Even a child was not spared.”¹⁹ The next child to be killed was a 16-month-old baby, shot in her mother’s arms by an “unknown gunman” on February 26.²⁰ A highland couple was shot dead on February 24 on suspicion of selling drugs.²¹ Their three children were left homeless, the youngest of whom was a six-year-old girl. Since then, no evidence has been found to suggest the couple had any drug dealings. According to relatives, they “had to die to help make the state suppression records look good”. The assistant village headman noted the irony of their

deaths: “The couple were killed even though their names did not appear on the drug blacklist, while a major drug dealer faced only minor punishment—a two night stay at a local police station.”

Such incidents also led people to question the accuracy of the government’s drug suspect lists. On February 25 Police Chief Sant admitted that the Interior Ministry’s list was “poorly prepared and could have affected innocent people”.²² While this could be seen as a signal to his subordinates to ease up on the campaign to kill suspects, some critics believe it was simply an attempt to deflect public attention from the tragic death of Chakraphan Srisa-ard. Police Lieutenant General Chalermdej Chomphunuj also later admitted that “some people might have been mistakenly blacklisted, perhaps due to the carelessness of officials”.²³ He went on to concede that false information might have been submitted, for personal or business reasons. One example is the case of Abdul Roh Ning Yaha, who was arrested on February 7 at his house in Yarang district, Pattani province, and accused of possessing 300 metamphetamine pills, which the police claimed he had stored in the birdcage in front of his house. Abdul’s neighbors and his village leaders believe that he was set up, knowing Abdul to be a strict Muslim and a respected community leader who teaches village children the Quran in his spare time. Abdul had had local political conflicts and villagers believe that his opponents framed him.

Some persons whose names found their way on to blacklists fought to get them off and clear their reputations. For instance, Wichai Samtung, an ethnic Lisu villager of Ban Huay Kiang Sang village, Phrao district, Chiang Mai province, was allegedly framed by police together with three other villagers during a search of their houses on April 26, when they produced one amphetamine pill as ‘evidence’ against him. Wichai, who has worked for three years as an anti-drug committee member, sought help from the Law Society of Thailand with the other villagers. Meanwhile, the police tried to talk Wichai out of taking the case to court, which they said would be “time consuming”. According to Wichai,

At first there was one pill in the search. However, the number mysteriously increased to three when police pressed the charge in court as I refused to surrender. They (the police) said the penalty for possessing just one pill was minor, possibly just a few thousand Baht fine and it would be in my best interest to confess and end the case quickly. But I could not follow that advice since I am innocent. I will fight on even if it was one pill or just half a pill.

In another case, lawyer Somchai Limsgoon, president of the Law Society of Samut Songkram Province, was blacklisted for having earlier defended accused drug dealers in court. Somchai fought the listing and the provincial commanding officer later agreed with him that his name should not have been on the list, but in the meantime his reputation was seriously damaged and personal security compromised.

“Some people might have been mistakenly blacklisted, perhaps due to the carelessness of officials”

—Pol Lt Gen
Chalermdej

“If you scrutinize the names of those killed, there’s not a single big-time dealer”

—Secretary to the Supreme Court President

Another critique of the government’s lists was made by Charan Pakdithanakul, secretary to the Supreme Court president, who said that, “People may take one look at the death toll and hail the government, but if you scrutinize the names of those killed, there’s not a single big-time dealer.”²⁴ Similarly, a New York Times article noted that the dozens of organized crime groups running the drug trade protected or led by powerful civilian and military figures were unaffected by the campaign.²⁵ The Interior Ministry finally ordered the Narcotics Control Board to check the lists on February 26.²⁶ A sub-committee to monitor operations taken under the anti-narcotics law was also established, with guidelines to ensure that proper legal procedure be followed with regards to incidents reported in relation to the ‘war on drugs’. The panel asked the police to send all related data for it to examine within the month, and report on the causes of death and their investigations every 15 days.²⁷ However, the sub-committee was not taken seriously, and it was not until the end of April that police began submitting reports, by which time they would have been able to conceal or doctor any problematic evidence against them.

The Thai government not only repressed and ignored most of the criticism from its own public but also feigned indifference to international criticism. Dr Pradit Chareonthaitawee, a member of Thailand’s National Human Rights Commission received political and physical threats after expressing concern about the high number of killings.²⁸ Dr Pradit made a presentation at a United Nations (UN) conference in February on the human rights situation in Thailand, including extrajudicial killings and the rising death toll of the anti-drug campaign.²⁹ Dr Pradit maintained that the National Human Rights Commission Act authorizes its commissioners to inform the world about on-going human rights violations in Thailand.³⁰ Prime Minister Thakshin, however, labeled his behaviour as “sickening” and questioned his authority to communicate with the UN.³¹ A spokesman from the ruling Thai Rak Thai party threatened Dr Pradit with impeachment due to his actions being “biased and against national interests”.³² Dr Pradit also received death threats on March 5 and 6 from an anonymous caller who told him to “stop speaking to the United Nations or die”.

Meanwhile, the Thai government continued to insist that the means justified the ends. A foreign ministry spokesperson told reporters that, “We want the international community to see our side of the story. It’s necessary for the government to take decisive action to deal with the drug problem.”³³ Prime Minister Thaksin was less diplomatic, commenting facetiously that “the United Nations is not my father”. However, the Interior Ministry banned the release of statistics on drug-related deaths on February 28, in contrast to its earlier public tallies and apparently in part due to adverse international reaction.³⁴ After that date, reports of killings in newspapers also dwindled.

By the end of March, the government agreed to cut its drugs arrest target to 75%, after officially stating that some people on the lists did not exist.³⁵ The government also received reports on state officials suspected of drug involvement. The Local Administration Department fired or suspended 40 village chiefs, while a disciplinary investigation was being conducted against 141 chiefs. The Royal Thai Police Office blacklisted 477 officers, 135 of whom were fired, while 39 faced criminal prosecution. On April 1 the Prime Minister announced that all government officials suspected of involvement in the trade would be transferred to inactive posts.³⁶

“The United Nations is not my father”

—Prime Minister Thaksin

At a meeting on April 8, the government increased financial incentives to encourage arrests of drug traffickers by officials – informants would get 15 per cent of the value of seized assets, arresting officials 25 per cent, and if there were no informant, the official would get 40 per cent.³⁷ The government also decided that drug free villages would be entitled to additional state aid. Similarly, outstanding officials would be awarded medals, including the National Power medal for bravery. Along with such incentives, the government continued to discipline officials failing to meet its rigid targets. On April 25 the governors of three provinces were threatened with the sack if they did not meet the final arrest quota before the end of the war on April 30.³⁸

At the start of May, Prime Minister Thaksin declared ‘victory’ in the war on drugs, although since that date the campaign has continued more surreptitiously, after a decision was made to extend elements of the policy over the coming year.³⁹ To achieve his ‘victory’, the Prime Minister instigated a shoot-to-kill policy that left nearly 2000 people dead in the three months. The persons killed were subject neither to judicial process nor effective investigation by the authorities, whether before or after death. Meanwhile, the major players in the drug trade were left untouched.

The campaign has brought about a disturbing new level of authoritarian administration in Thailand. Senior government officials have done little but acquiesce with their Prime Minister’s orders, disregarding the fundamental principles of law, and this trend has since continued, under the Prime Minister’s newest ‘war’, against nebulous “dark influences”. Prior to this war on drugs, Thailand was seen as having made considerable progress in protection of human rights by comparison to neighbouring states. Regrettably, this can no longer be said to be the case.

End Notes

¹ *The Nation*, 2 February 2003.

² *The Nation*, 2 February 2003. At time of writing, there are roughly 40 Thai Baht to US\$1.

³ ‘Named and shamed’, *Bangkok Post*, 6 April 2003.

- ⁴ Which has also been referred to by the media as the National Committee on the War on Drugs, and National Centre to Defeat Drugs.
- ⁵ 'Named and shamed'.
- ⁶ 'Named and shamed'.
- ⁷ Brad Adams, 'Drug 'war' kills democracy too: Thailand's crackdown', *International Herald Tribune*, 24 April 2003.
- ⁸ *The Nation*, 1 March 2003.
- ⁹ *The Nation*, 9 March 2003.
- ¹⁰ *The Nation*, 9 March 2003.
- ¹¹ *The Nation*, 13 February 2003.
- ¹² *Amnesty International Press Release*, 20 February 2003.
- ¹³ Robert Horn, 'The killing season', *Time Asia*, 10 March 2003.
- ¹⁴ 'Innocent victims suffer in silence', *Bangkok Post*, 17 February 2003.
- ¹⁵ 'Families live in terror as suspects die', *Bangkok Post*, 1 March 2003.
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Extrajudicial killings of alleged drug dealers in Thailand

Asian Legal Resource Centre

Prime Minister of Thailand Thaksin Shinawatra announced on 28 January 2003 that a ‘war on drugs’ would begin on February 1, and continue until April 30, at which time the country would be drug-free. As a result, over 2000 persons lost their lives during this three-month period, murdered on the streets, in houses, restaurants and shops around the country. Others who escaped death have been forced into hiding or had their reputations and livelihoods ruined. Below is a selection of cases compiled from complaints received and investigated by non-governmental organizations, the media and other sources.

Targeted killings by “unidentified gunmen”

The war on drugs got off to its promised start on the night of January 31–February 1, with “unidentified gunmen” killing **Boonchuay** and **Yupin Unthong** as they were about to return home with their son, eight-year-old Jirasak, in the streets of Ban Rai, **Damnoen Saduak district, Ratchaburi**. The family had spent the evening playing fairground games at a local temple, and had all climbed aboard a motorcycle to go home. They had not gone more than 200 metres when two men dressed in black wearing ski masks pulled up alongside on another motorcycle. The man on the back shot Jirasak’s mother, and Boonchuay unsuccessfully tried to speed away. The motorcycle crashed onto the pavement, and bleeding on the road Boonchuay shouted to his son to run. Jirasak escaped over a fence and hiding, watched as the man shot his father in the head. Boonchay had been released from prison three months ago, where he had served 18 months for drug offenses, and Yupin was also on a drug blacklist. Relatives said that neither had been involved in drugs since Boonchuay’s release from jail. Boonchay’s brother Samruay Thinrung said that justice should have been allowed to take its course. “Being tried in court and executed in one day would have been more acceptable than having my brother shot dead in the street,” he said. Phanom, his uncle, added that whatever their offences, “Killing people in the streets is just too cruel.”

VICTIMS

1. Boonchuay
2. Yupin Unthong

PERPETRATORS

“Unidentified gunmen”

PLACE

**Damnoen Saduak district,
Ratchaburi**

VICTIMS**1. Kwanla Puangchomphum**
2. Thanom Montak**PERPETRATOR****“Unidentified gunman”****PLACE****Nong Phai district,
Phetchabun****POLICE STATION IMPLICATED****Tha Chaliang**

Many killings occurred shortly after the victims had been called to a police station. Suwit Baison, a 23 year-old assistant television cameraman kneeled down before Prime Minister Thaksin as he arrived at the Agriculture Ministry for a meeting on February 27. Suwit told Thaksin that his mother, **Kwanla Puangchomphum**, and stepfather, **Thanom Montak**, were shot dead on February 26 shortly after they left the **Tha Chaliang police station in Nong Phai district, Phetchabun**. The couple had gone to pay a 5000 Baht (US\$125) fine for marijuana possession. His parents were shot while riding a motorcycle home, about five kilometers from the police station. Witnesses said the gunman was driving a white sedan, which according to Suwit was spotted at the police station car park. With tears rolling down his cheeks and his voice trembling, Suwit handed a petition to Thaksin, asking for justice. He said local police had dismissed the shootings as “drugs-related” and made no effort to conduct a proper investigation. The Prime Minister promised to look into the matter. An hour later, Crime Suppression Division commander Major General Surasit Sangkapong talked to Suwit for about 10 minutes before they left together for further questioning at Surasit’s office. Surasit said he would assign one of his deputies to investigate the shooting. According to Nong Phai district police superintendent, Colonel Phisan Iamla-or, however, Suwit’s parents were on a list of people who allegedly possessed drugs that had been prepared at a gathering of villagers. He said the couple had been arrested separately on four occasions with marijuana and methamphetamine pills. However, Suwit claims that his stepfather was arrested during the month on a charge of marijuana use, at which time the police tried to make him admit to methamphetamine possession. He also alleged that his mother had been falsely charged with possession last year, but had been told by police that for 50,000 Baht (US\$1,200) they would reduce the charge. After the couple consulted a lawyer, the police contacted them and told them to report to the station.

VICTIM**Boonyung Tangtong**
Unidentified police**PLACE****Phetchabun****POLICE STATION IMPLICATED****Na Chaliang**

A day after Kwanla and Thanom’s deaths, another person in the neighbourhood was murdered in a similar manner, again a ‘reformed’ drug user turned victim of the ‘war’. **Boonyung Tangtong**, a 40 year-old father, had reported to **Na Chaliang police station, Phetchabun**, as ordered. Shortly after, nine armed men came to his house, took him into his bedroom and shot him in the head and chest. His murder took place in full view of his wife and children, including a two-year-old daughter, and two other relatives, who were held captive with guns against their heads. Boonyung had turned himself in to the police about a year ago, and twice took part in the government’s reform program. Adirek, his 16-year-old son, is positive that the police murdered his father. “They all were wearing name and rank tags around their necks, but they didn’t look familiar. They could have come from other places,” he said after the shooting. Ten persons in the area were reportedly killed after reporting to police during the first weeks of the campaign.

Likewise, on February 17, three days before eight “unidentified gunmen” entered her house in **Ban Laem district, Petchaburi**, and shot her eight times, **Somjit Kuanyuyen**, a 42 year-old mother, reported to the police after her name appeared on a blacklist. According to her nephew, ‘Sak’, she went to the **Ban Laem police station** with her husband and was told to go into a side room and sign a paper. However, Somjit was illiterate and did not know what it was. Terrified, she marked the document. The police informed her that after signing the paper she would be safe and could come to see them any time if anything suspicious happened. On February 20 her 7-months pregnant daughter saw a pickup truck with dark tinted windows and no license plates stop at the front of the house. It contained four men with crew cut hairstyles, wearing sunglasses and black clothes. Two of the men approached the grocery stand at the house ostensibly to buy some beer. One nodded his head and the other fired at Somjit, hitting her in the arm while her seven-year-old granddaughter clung to her leg. There were three other persons in the house, including Somjit’s daughter. They watched as Somjit fell after the first shot and the man fired another six shots into her back, killing her. After the men left, although the house is very close to a main road and only 20 metres from a police box, the police took a long time to arrive and investigate. They did not set up checkpoints or take any other steps to arrest the murderers. They didn’t collect the bullet shells, which were instead taken up by the family. They asked Somjit’s daughter and cousin if her family was involved in drugs, but asked no questions about the murder itself. When the daughter made it clear that her mother had had nothing to do with drugs, the police warned her, “Don’t speak too much”. For his part, Ban Laem police commander, Colonel Taveesak na Songkhla said that Somjit’s name was on a list submitted to them by the Drug Suppression Office in Bangkok. He claims his officers searched the scene, but found no bullet casings. “If the relatives have found bullet casings, they should give them to the police instead of keeping them and saying that we are ignoring the case,” he said. Colonel Taveesak also mentioned that although the police were working on solving such murder cases, “Investigation cannot be totally efficient because we need to use officers to arrest those blacklisted in order to fulfill the government quota.” The family tried to complain to their local Member of Parliament, but could not find him. They then went to the provincial office of the Law Society of Thailand and were advised to tell the media.

The police and government preferred to characterize most killings by “unidentified gunmen” as “bad guys killing bad guys”, or “killing to cut the link” (*kar tad torn*). In one particularly brutal case described in these terms, locals allege that uniformed police in fact tortured and murdered four ethnic Hmong men on February 12. The four men, 45-year-old **Jai-jue Sae Thao**, his younger brother **Somchai Sae Thao**, their 59-year-old cousin, **Boonma Sae Thao**, and **Seng Sae Thao**, the 59-year-old head of Doi Nam Pieng Nam Din village, Bann Neun sub district, **Lom**

VICTIM
Somjit Kuanyuyen
 PERPETRATORS
“Unidentified gunmen”
 PLACE
**Ban Laem district,
 Petchaburi**
 POLICE STATION IMPLICATED
Ban Laem

VICTIMS
1. Jai-jue Sae Thao
2. Somchai Sae Thao
3. Boonma Sae Thao
4. Seng Sae Thao
 ALLEGED PERPETRATORS
Lom Sak police
 PLACE
**Lom Kao district,
 Petchabun**
 INVESTIGATING POLICE STATION
Lom Kao

Kao district, Petchabun, were travelling by pickup truck after attending the Lom Kao district office. According to Jai-jue's son, Sornchai Sae Thao, his father had been charged with carrying an illegal shotgun, and on February 11 had received an order to go to court. Jai-jue was said to be getting a transfer of ownership on the gun, which he kept with him for protection when alone on his farm at nights. Jai-jue contacted the village head to go with him as guarantor in his case, and he found that the head had also received a notice, that his name was on a list and he had to report to the police. That notice was issued by the district office of Lom Kao, and the person who brought the charge sheet to Jai-jue was the same as the person who gave the notice to the village head. The following morning, both of them went to the district office in the village head's pickup truck. Jai-jue also asked his brother Somchai to go with him. Boonma was getting a lift to buy medicine for his 18-month-old daughter, who was suffering from acute diarrhoea. According to Sornchai, a villager who had met his father in court said that when his father appeared there the judge knew nothing about the charge and said he had not been the one to call him to the court. Seng Sae also did not report to the district office because the officer who should receive the report was out, and so they then began returning home. Around midday, about fourteen kilometres short of their village, they were all shot dead. According to Sornchai, one villager saw the incident and at first insisted that police in uniform shot them. However, that villager was called to Lom Kao police station for a talk, and after that became very quiet and apprehensive. Several villagers also witnessed at least one police motorcycle in the area at the time of the killings. A Doi Nam villager walking nearby was the first to see the bodies themselves. That person went to tell the men's relatives, and all of them went to the place and found that the pickup was gone but the four dead bodies were pulled together at the side of the road. All four had been shot in the head, and in addition all of them showed signs of brutal torture:

- Jai-jue had a broken chin and bruised eyes;
- Boonma's body was burnt on its left side, and his face had been stabbed with a sharp object, leaving a triangular shape; the back of his head was also reportedly severely damaged;
- Somchai had a broken neck and collarbone;
- Seng Sae appeared to have been beaten.

According to Boonma's son, Tu Sae Thao, his father's wallet with 2000 Baht (US\$50) and his watch were missing. According to Sornchai, the charge sheet against his father also was missing. The police on the scene claimed that they knew nothing of what had happened and that the pickup truck also was missing when they arrived. However, one police officer reportedly walked behind the village head's son and told him discreetly that it was not police from Lom Kao but from neighbouring Lom Sak who had killed the men. Although the bodies were sent to Somdej Yuppharaj hospital for autopsy, no result has been sent to relatives

and they don't dare ask for it. The hospital also has not given any official paper to acknowledge the deaths, except one for Boonma because his relatives went to the district office to demand it. The paper says only that Boonma was shot and killed. Meanwhile, the doctor who conducted the autopsy is reported to have handed the bullets over to the police, but it is now not known where the bullets have been sent. According to the source of that information, however, the village head was killed with a .38 calibre weapon (the size of police-issue pistols).

While the target of the killing seems to have been Seng Sae, the family members of the three other men insist that it was impossible for them to be drug sellers, as they never even smoked cigarettes or drank alcohol. However, when the case was reported in the media the police informed newspapers that all four were "suspected drug dealers". When contacted further on this point, the investigating officer Major Amnuay Yamark said that police believed it was a case of "killing to cut the link" because the village head was a big drug seller. He said that he didn't have details about the other three men's backgrounds and their names were not on the blacklist. After relatives complained to him and other police that there had been no progress in the investigation, they were told that police are investigating the case 'secretly'.

In a similar case, six local leaders were shot dead in Ban Pang Khon, Huay Chompu sub district, **Muang ('Central') district, Chiang Rai**, while returning in a pick-up truck from an anti-drug meeting on February 27. They were all ethnic Yao villagers, identified as 46-year-old Ban Pa Luang village head **Kiattisak Saksrichompoo**, 40-year-old **Kaoguai Sae Tern**, 36-year-old **Ulong Sae Fan**, and 29-year-olds **Bunma Sae Fan**, **Uguay Sae Tern** and **Somdej Sae Tern**. All but Kiattisak were local administration officials of Huay Chompu sub-district. At around 4pm, while they were away at the meeting at the Supanimit Foundation, a pickup truck with four men reportedly came to the village and stopped in front of the headman's house. One of the men told neighbours that they had come from the district governor's office regarding road construction matters. He explained they were newly transferred to the area, having previously been situated in Nan. A neighbour told them that the headman had gone to Pang Khon village and would return in the evening. One of them gave 200 Baht (US\$5) and saying that they would be back the next day asked for some chicken to be prepared for them. After this they returned to their car and drove to Pang Khon village. Near the end of the road, they parked and asked another group of villagers about the Ban Pa Luang headman. At that time, one of the men in the car recognized a man among the villagers and told him, "Don't you remember me? I tried to arrest you but you fled." In fact, police had previously detained that villager on drug charges, but he and his associates had managed to escape custody. Ten days after this chance meeting, that villager was reportedly also shot dead. After the group of men in the car parted from the villagers, not long after the sound of repeated gunfire reached Ban Pang Khon from about two

VICTIMS

1. **Kiattisak Saksrichompoo**
2. **Kaoguai Sae Tern**
3. **Ulong Sae Fan**
4. **Bunma Sae Fan**
5. **Uguay Sae Tern**
6. **Somdej Sae Tern**

PERPETRATORS

"Unidentified gunmen"

PLACE

**Muang district,
Chiang Rai**

kilometres away. Shortly after, villagers saw the car carrying the four men driving away from the scene. When they went to the site, they saw the headman's car and the six men riddled with bullets. Kiattisak and Bunma, in the driver and passenger seats, had both been shot from behind; the other four men were all dead in the tray of the pickup truck. Police allege Kiattisak was a drug dealer and speculated that "a drug ring might be behind the attack". They were investigating to find out whether the other five victims also had drug links. Kiattisak's name was on the local blacklist, however some villagers doubt that he was a drug dealer, as he was active in working with the local administration in drug suppression and anti-drug education programmes. Around 15 years ago he had been involved in opium trading, but at that time this was common in the area. In 1995, he was arrested on a charge of being a heroin producer, but after a two-year court case he was found not guilty. He had not been implicated in any drug-related affairs after that. Bunma's father, Lek Sae Fan, also denied his son had any drug-trafficking history. In other reported cases where victims were shot while returning from drug suppression meetings, in **Narathiwat** the head of **Chanae Hahama Bado subdistrict**, 44-year-old **Hahama Bado**, and his aide, **Rapeng Teuramae**, were shot while riding home on a motorbike on the night of February 28. Likewise, the 54-year-old head of Mae Tao sub-district, **Mae Sot district, Tak, Bunpan Lanoi**, was shot in the chest and right shoulder as he was returning from an anti-drug meeting at around 10pm of March 5. He was wounded in his right arm and shoulder, and later admitted to Mae Sot district hospital.

VICTIMS

1. **Hahama Bado**
2. **Rapeng Teuramae**

PERPETRATORS

"Unidentified gunmen"

PLACE

Narathiwat

VICTIM

Bunpan Lanoi

PERPETRATORS

"Unidentified gunmen"

PLACE

Mae Sot district, Tak

VICTIM

Jamnian Nualwilai

PERPETRATORS

Unknown

PLACE

**Muang district,
Ratchaburi**

In another alleged case of "killing to cut the link", 42-year-old **Jamnian Nualwilai**, a former drug peddler who had turned into a police informant was shot dead in Hinkong sub-district, **Muang district, Ratchaburi** on February 13. Jamnian was found with four bullet wounds to the head and one in his back. Police said he had 200 methamphetamine pills, 11,000 Baht cash and a mobile phone in his possession. The police say that a drug gang killed him to prevent him betraying them, but Jamnian's wife 'Kik' does not agree. She believes the police killed her husband and made it look as though his old drug gang had done it. Kik said her husband had joined a voluntary government program under which small-time drug traffickers quit and helped authorities with their crackdown. Jamnian joined two years ago and sent in his urine sample every month to prove he was still clean. He even brought other traffickers to the program. Kik did not understand how her husband could be murdered when the police had guaranteed him protection. Five days before the killing, police commended Jamnian for his conduct and told him his name would be removed from the blacklist. "I had not the slightest idea that delisting would end up with my husband being shot dead," Kik said. "Traffickers would be reluctant to join the program if they had to expose themselves to vengeful acts by drug rings or police. People like my husband would be better off not joining—at least they would not be making themselves sitting

ducks. The program application forms are like death warrants,” Kik said. “Gunning someone down will not stop drugs. It is merely a way for officials to glorify their achievements,” she observed. The wife of **Jaruk sae Tan** also called for authorities to protect—rather than kill—former drug dealers who had given up the illicit business. Jaruk, who had stopped selling drugs more than two years earlier, was shot dead on February 25 while watching television in his restaurant in **Muang district, Phuket**. During the shooting, a stray bullet injured a four-year-old girl, Suthanma Iamsam-ang, who lives in the neighborhood.

One characteristic of the killings across the country was that they often occurred in daylight and in the presence of witnesses, despite the killers being “unidentified”. For instance, **Bussaporn Pung-am**, a 39 year-old woman whom police allege to have been a major methamphetamine dealer, was shot dead in her home in **Muang district, Nakhon Pathom**, on February 11, while having lunch with two neighbors. Witnesses told police that an “unidentified man” got out of a pickup truck, walked inside the grocery store that is part of the house, and shot Bussaporn five times. Police said they found court documents in a bag in her house showing she had acted as a guarantor for more than 200 drug suspects who had been released on bail. Bussaporn herself was once arrested and released on bail, said the deputy commander of Muang district police station, Lt-Colonel Panlert Tangsriphairoj. Similarly, 37-year-old **Somma Thongmee** was killed in his house in Pak Pun sub-district, **Muang district, Nakhon Si Thammarat** on February 4. His wife, Thippawan, said that three men in a double-cab pickup truck had arrived at their house, asking to see Sommai. The men went inside and talked to her husband, before one of them pulled out a pistol and shot Sommai dead. Police said Sommai was a “major drug dealer” and was on the regional blacklist. On the same day, 30-year-old **Yongyuth Jongjit** was shot dead by a group of nine “unidentified men” at his pig farm in **Kanchanadit district, Surat Thani**, in front of his workers. Again, the victim was on the local blacklist and police put the killing down to “killing to cut the link”. Likewise, on March 6 a sub-district municipal councillor was shot dead in his car at the Udon intersection of Mitrphap highway, **Muang district, Saraburi**, while two passengers and three employees in a nearby shop were wounded. The Thap Kwang sub-district official, 40-year-old **Manoj Khamsat**, was shot in the face, head, chest, legs and arms when a pickup truck carrying about seven men pulled up alongside and one man opened fire with an M16 rifle. Manoj fired back with a pistol, jumped from the truck and attempted to flee, but was shot down. Police said Manoj was on a blacklist, and the killing may have related to drugs or other illicit businesses. Manoj had earlier survived an attack on February 21 in which his wife was shot.

The case of 75-year-old **Samniang Chusri** stands out as an example of how anybody with her name on a blacklist could be a target for execution. Samniang had been called in by village authorities in Koh Plabphla sub-district, **Muang district,**

VICTIM
Jaruk sae Tan
PERPETRATORS
“Unidentified gunmen”
PLACE
Muang district, Phuket

VICTIM
Bussaporn Pung-am
PERPETRATORS
“Unidentified gunmen”
PLACE
Muang district, Nakhon Pathom

VICTIM
Somma Thongmee
PERPETRATORS
“Unidentified gunmen”
PLACE
Muang district, Nakhon Si Thammarat

VICTIM
Yongyuth Jongjit
PERPETRATORS
“Unidentified gunmen”
PLACE
Kanchanadit district, Surat Thani

VICTIM
Manoj Khamsat
PERPETRATORS
“Unidentified gunmen”
PLACE
Muang district, Saraburi

VICTIM
Samniang Chusri
PERPETRATORS
“Unidentified gunmen”
PLACE
Muang district, Ratchaburi

Ratchaburi and told she was on a blacklist. Officials tried to coerce her to sign a confession, and renounce drug-related activities. One of her daughters had last year been charged with possessing 21 methamphetamine pills, but Samniang insisted that she had nothing to do with it and refused to sign anything. Days later, on February 25, two men arrived on a motorcycle at the front of a neighbouring shop, where Samniang was having a soft drink on the porch. One pressed his hands in supplication and asked for Samniang's forgiveness before shooting her in the head and chest. Samniang's daughter, Pranee Fakchin, said that her mother had been blacklisted, and she had repeatedly gone to the police to try to convince them to take her name off. "Police prepared their suspect list on rumours and they didn't try to get evidence," Pranee said. "Now my mother had to die as a consequence. This isn't fair." Another daughter, Nitaya Poonsak, added, "They should have arrested her and put her in jail—at least then I could have visited her."

Killings by the police

Although the majority of killings involved "unidentified" killers, in some 70 cases police have acknowledged responsibility for deaths. In each of these cases the police have excused themselves on the grounds of "self-defence". For instance, on February 12 police killed 32-year-old **Chanchai Khamkhomkul** in **Bangkok's Klong Toei district** while reportedly trying to arrest him as he delivered methamphetamines to a customer. The police maintain that Chanchai started shooting while trying to escape and was killed when they returned fire, hitting him six times. Police said they found 20,000 pills in a bag he was carrying. The next day, police in the same district shot and killed 39-year-old **Ukritthana Jesala** when he allegedly shot at them as they tried to arrest him.

Also in **Bangkok**, on March 20 officers of **Police Command 5** shot and killed 38-year-old **Surasit Singchai** in **Bang Na district** as he allegedly resisted arrest. Colonel Charoen Srisalak reported that police had set up Surasit and arranged to buy 6000 pills from him. When he realized that he was about to be arrested, he began shooting, said Colonel Charoen, causing police to return fire and kill him. On February 24 police on a highway in **Chiang Mai province** also shot dead an ethnic Hmong couple, **Damrong** and **Somsri Thanomworakul**, "on suspicion that they sold drugs". However, there has reportedly been no evidence to connect the handicraft vendors with drugs, nor were they on any blacklist, and nor had they behaved in any way to threaten the police. Relatives insist the couple "had to die to help make state drug suppression records look good".

In the case of 42-year-old **Boonteam Chaiyang**, the police may first have held him captive and tortured him before executing him. According to the police, Boonteam, of Pha Ham sub-district, **Muang district, Chiang Mai**, was the target of a sting operation. The police, from **Thungkru police station**, claim that on the night of February 2 he shot at them on Soi Pracha-uthit 76, in

VICTIMS

1. **Chanchai Khamkhomkul**
2. **Ukritthana Jesala**

PERPETRATORS

Police officers

PLACE

Klong Thoei district, Bangkok

VICTIM

Surasit Singchai

PERPETRATORS

Officers of Police Command 5, Bangkok

PLACE

Bang Na district, Bangkok

VICTIMS

1. **Damrong**
2. **Somsri Thanomworakul**

PERPETRATORS

Police officers

PLACE

Chiang Mai

VICTIM

Boonteam Chaiyang

PERPETRATORS

1. **PO Worawit Sunyakarnit**
2. **PO Chalothon Wantanachoth**

PLACE

Muang district, Chiang Mai

POLICE STATION

Thungkru

front of Burana Suksa School—**police officers Worarit Sunyakanit** and **Chalothon Wantanachoth** were forced to shoot back in “self defence”. The police claim that 16,000 amphetamine pills were found in a car being driven by Boontem. However, his wife, 45-year-old Saengtong Luangwiroj, lodged a complaint with the Forensic Science Institute that the police executed her husband. She alleges in the complaint that Boontem disappeared on January 28, after he visited his brother Thaksin Chaiyang, who is serving a prison term for a drug conviction. She went to Pracha-chun police station to file a kidnapping complaint, but did not hear anything until receiving news that her husband had been killed. She saw her husband’s body and claims that there were wounds on it suggesting torture, however the body was cremated without forensic investigation. According to the police report, a doctor’s preliminary investigation found that the man was shot in the heart, lungs and spleen. The police also claim that Saengtong didn’t know her husband was a drug dealer, but said that it was the case as his brother is in jail for drug offences. Saengtong, however, says that they were very poor and there was no evidence that her husband had an income from buying and selling drugs.

In a rather different case, a Chinese Haw drug suspect **Hong Khaphapu** was “found dead” in a detention cell at **Hua Mak police station, Bangkok**, where he was being held after being arrested at around 3:30pm on March 28 at the Wat Thepleela pier, in possession of 4000 methamphetamine pills. Police claim to have also found around one million Baht (US\$25,000) in his car, and when they searched Hong’s apartment they reportedly found a further 10,000 pills and eight passbooks for bank accounts totaling 600,000 Baht (US\$15,000). Major Komsan Paksin, inspector at Hua Mak police station, said that Hong had admitted to buying a fake Thai citizen ID, and to distributing drugs in the Ramkhamhaeng area after smuggling them from northern provinces. Major Komsan claimed that Hong had drowned himself around 5am in a small bucket of water while in a detention room with several other suspects, none of whom saw what happened. According to Dr Pornthip Rojanasunan, the acting director of the Forensic Science Institute, however, it is impossible for someone to commit suicide by immersing his head in a small bucket of water. Dr Pornthip added that she was unable to investigate the case as it was outside her jurisdiction, but concluded, “We won’t call this suicide.”

Accidental killings of “innocents”

Where the government’s campaign began to founder was when obviously innocent people became victims of shootings, particularly children. The turning point came with the highly publicized case of nine-year-old **Chakraphan Srisa-ard**, who was killed during a police operation on February 24, in **Lan Luang district, Bangkok**. Chakraphan was hit by three bullets, while sitting on the back seat of a car driven by his mother, Pornwipa Kerdrungruang, who was trying to flee after police had arrested

VICTIM
Hong Khaphapu
 PERPETRATORS
Reported suicide
 PLACE
**Hua Mak district,
 Bangkok**
 POLICE STATION
Hua Mak

VICTIM
Chakraphan Srisa-ard
 PERPETRATORS
**1. Sgt Mjr Pipat Sang-in
 2. Lce Cpl Anusorn
 Tansuwan
 3. Cpl Panumas
 Chanacham**
 PLACE
**Lan Luang district,
 Bangkok**

her husband, Sathaporn, in a trap set up with an arrested dealer. The couple had arrived at Saphan Khao in the Lan Luang area around 9pm. Sathaporn left the car to deliver 6000 amphetamine pills to the plain-clothes police team, who then flashed their badges and arrested him. On seeing her husband's arrest, Pornwipa tried to drive off. Three policemen, **Police Sergeant Major Pipat Sang-in, Police Lance Corporal Anusorn Tansuwan and Police Corporal Panumas Chanacham** opened fire, but denied shooting into the car. Independent accounts at the scene suggest that the officers chased Pornwipa in their car as she was trying to drive away. They fired at the vehicle until it crashed into the pavement. The car had six bullet holes in it. The city police chief, Damrongsak Nilkuha, later said that Nang Lerng police had filed murder charges against the three officers, who had been freed on bail after Police Colonel Nipon Pupansri, deputy commander of city Police Command 4, went to guarantee them. Three pistols belonging to the accused police officers were sent to the Scientific Crime Detection Division on February 27 along with the three bullets removed from Chakraphan's body. The ballistics tests revealed that the spent shells from the bullets believed to have killed Chakraphan did not match the type of handguns carried by the officers. However, a senior policeman conceded that the three policemen might have handed in different guns for the ballistics examination. The examination did not result in a withdrawal of the murder charges against the officers.

National Police Commission spokesman Police Major General Pongsapat Pongcharoen gave the boy's family 20,000 Baht (US\$500) to help with funeral costs, however, he added, "Police will continue to take tough measures against drug dealers." Furthermore, Major General Pongsapat defended the shooting, saying that the officers followed procedure, but the boy's parents used their son as a shield. Criticism of the shooting came from other quarters, however, including Bangkok Senator and former police chief General Pratin Santiprapop, who called the incident a deliberate killing and said the officers who shot the boy must be held responsible, regardless of their intentions. According to the senator, the case involved an excessive use of arms with the police being intent on using their weapons, even though the suspects had shown no indication of threatening them. The Law Society of Thailand secretary-general Thana Benjathikul agreed that the case represented a deliberate killing since there was no evidence there were guns in the fleeing car. Metropolitan Police Bureau Commissioner Lieutenant General Damrongsak Nilkuha, however, has sought to excuse the police from their actions, saying that the car had dark tinted windows and police could not see that there was a boy on the back seat.

There have been suspicions of a cover-up, amid conflicting accounts of Chakraphan's death by the police. Police Major General Chakthip quoted the officers as having said that the couple was being secretly accompanied by "guards", who showed up after Sathaporn was arrested. "The policemen said they didn't fire at the car, and that the bullets were from the guards of the

drug dealers,” Chakthip said. Lieutenant Colonel Pakorn Pawilai, the inspector at Nang Lerng police station in charge of the investigation, has also claimed that the police did not fire at the car but rather, “There was a man suspected to be from the same drug ring riding a motorcycle who opened fire at the car and killed the boy.” First Region Police commissioner Major General Theerasak Nguanbanchong has also asserted that there were witnesses who saw “guards” from the same drug ring helping Pornwipa escape the shooting scene. “This group is a major drug ring. They have a protection team when they distribute drugs. It is likely there was a protection team intervening during the commotion,” he said. However, according to Chakraphan’s father, it was the police who shot his son: “We had no protection team with us because we were supposed to be dealing with small-scale buyers – there was no ‘VIP’ involved with us that day,” he said. In order to stem concerns, on February 25 Prime Minister Thaksin said he had already ordered the Special Investigations Department under the Ministry of Justice to investigate the case. However, Police Lieutenant General Noppadol Somboonsap, director-general of the Department, admitted that it would not be able to fully ensure justice in the case because it has yet to receive its full mandate. The draft legislation for the Department to carry out investigations and provide it with funds was still awaiting parliamentary approval.

Meanwhile, shortly after the killing of Chakraphan, a 16-month-old girl and her mother were killed on February 26. The girl’s mother, 38-year-old **Raiwan Khwanthongyen**, was carrying her baby, nicknamed ‘Ice’, in the centre of **Sadao district, Songkhla**, police said, when “unidentified gunmen” shot them both. Police Lieutenant Colonel Phakdi Preechachon, the officer in-charge of the investigation, said police assumed the killing was gang-related because Raiwan’s brother was allegedly involved in the drug trade. Raiwan might have known the hitman, Phakdi said, as witnesses saw Raiwan scream when she noticed the man and tried to run away with her daughter in her arms.

Earlier in the month, on February 13, 38-year-old **Sam-ang Chumchom** was killed by gunfire apparently aimed at a person in an adjacent vehicle at a red light in **Udon Thani**. Sam-ang was riding a bicycle back home when she stopped alongside the car carrying 27-year-old **Sanya Khampatan**, the apparent target of the killing, his 50-year-old father, **Veera**, and his sister, Buala Boonpa. Sanya had just been released on bail after being charged with methamphetamine trafficking. Two gunmen on a motorcycle pulled up alongside, killing Sanya, Veera and Sam-ang. Buala, who survived, said she did not know Sam-ang and the woman just stopped her bicycle at the red light next to the car. Sam-ang’s sister-in-law Bang-orn Chumchom blamed the government for her death. She said the administration’s tough action against drug trafficking had prompted widespread killings to silence small-time drug agents, while the relevant agencies lacked the necessary measures to protect “good people”. Of 26 people shot dead in Udon Thani between February 1 to 18, only

VICTIMS
1. Raiwan Khwanthongyen
2. ‘Ice’
 PERPETRATOR
“Unidentified gunman”
 PLACE
Sadao district, Songkhla

VICTIMS
1. Sam-ang Chumchom
2. Sanya Khampatan
3. Veera
 PERPETRATORS
“Unidentified gunmen”
 PLACE
Udon Thani

18 were reportedly on the government blacklist. Police said they were investigating all cases but “had yet to catch any murder suspects”. Sam-ang’s sister-in-law added that no one had offered help with the funeral, and her family’s reputation was ruined because most people presumed that her sister-in-law was also guilty of drug dealing.

Murder as public policy in Thailand

Nick Cheesman, Projects Officer,
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Between February and April 2003 the Thai government incited police and public officials to organize and endorse murder in the name of ridding the country of drugs. Through a series of official orders and public statements, the government pushed officials to massively overstep their normal authority. It also set up numerous positive and negative incentives, including promises of financial rewards and promotions, and threats of transfers and dismissals. By May, more than 2000 persons were killed, and the country's key institutions for the protection of human rights were seriously compromised.

Administering murder

On January 28 the Prime Minister of Thailand, Thaksin Shinawatra, set the anti-drug crusade in motion. Prime Minister's Office Orders 29/2546, 30/2456 and 31/2546, effective from February 1, aimed to combat the enormous drug manufacture, trafficking and use in Thailand "quickly, consistently and permanently". They ordered the establishment of the National Command Centre for Combating Drugs, chaired by Deputy Prime Minister Chavalit Yongchaiyuth, to oversee the "Concerted Effort of the Nation to Overcome Drugs" campaign. They set out its basic responsibilities, including planning, coordination and reporting, and established an administrative structure and tasks throughout the country. The orders gave the programme the "highest priority", indicating to officials that they would be closely monitored, and that the government was prepared both to reward high performers and punish laggards. The Prime Minister boosted incentives in two sets of regulations issued on February 11. One of those was the Prime Minister's Office Regulations on Bonuses and Rewards Relating to Narcotics (No. 3). This document amended two earlier reward regimes, and effectively encouraged the murder of drug suspects by providing grades of bonuses where the most efficient and expedient means for officials to be rewarded was simply to kill the accused:

“The Prime Minister consistently portrayed drug dealers as sub-humans deserving to die”

Article 18 of the Prime Minister’s Office Regulations on Bonuses and Rewards Relating to Narcotics BE 2537 (1994), which had been amended by the Prime Minister’s Office Regulations on Bonuses and Rewards Relating to Narcotics (No. 2) BE 2540 (1997)... shall be replaced by the following statements:

“Article 18: The bonus shall be given when officials proceed with a notified case leading to arrest according to the following rules and conditions:

(1) In a case where both the alleged offender is arrested and the exhibited narcotics are seized, if the value calculated based on the quantity of narcotics does not exceed 1000 Baht, each case shall be paid not exceeding 1000 Baht, after the Public Prosecutor has issued a prosecution order. If the case falls under Section 92 of the Narcotics Control Act BE 2522 (1979) and Section 17 of the Royal Ordinance of the Control on the Use of Volatile Substances BE 2533 (1990), the bonus shall not be paid.

(2) In a case where the alleged offender is arrested and the exhibited narcotics are seized, if the value calculated based on the quantity of narcotics exceeds 1000 Baht

(a) In a case where the Public Prosecutor issues a prosecution order, the bonus calculated based on the quantity of narcotics may be paid in half before the Public Prosecutor issues a prosecution order. The remaining amount is to be paid in full when the Public Prosecutor has issued a prosecution order.

(b) The bonus calculated based on the quantity of narcotics shall be paid only in half if the Public Prosecutor has issued a non-prosecution order, or ceased the proceedings.

(3) In a case where both the alleged offender is arrested and the exhibited narcotics are seized, but the alleged offender loses his life during the arrest or thereafter, if the value calculated based on the quantity of narcotics exceeds 1000 Baht, the bonus shall be paid according to the quantity of narcotics when the Public Prosecutor has ceased the proceedings.

(4) In a case where only the exhibited narcotics are seized after the Public Prosecutor has stayed the inquiry, issued a prosecution or non-prosecution order, if the value calculated based on the quantity of narcotics exceeds 1000 Baht, only half of the bonus shall be paid.”

(Unofficial translation of article 4, italics added to subsection 3)

At later dates, certain rewards were increased so that, for instance, a state official seizing property that had been purchased with drug money could get up to 40 per cent of its value.

Public statements enabled and encouraged what was on paper. The Prime Minister consistently portrayed drug dealers as sub-humans deserving to die. He also played down the deaths relative to the apparent successes of the campaign, wondering aloud why the killing of thousands of people who had not yet been proven guilty of any crime should be worthy of public attention or scrutiny. Even in reiterating the official line, that most deaths were just cases of “bad guys killing bad guys”, or “killing to cut the link”, he stated that the government had no responsibility to protect these undesirable citizens. This position, however, was already quite a step-down from remarks he reportedly made to senior government officials from across the country at a meeting in

the lead-up to the campaign on January 15. “We have to shoot to kill and confiscate their assets as well, so their sinful inheritance will not be passed on,” he is reported to have said, adding, “We must be brutal enough because drug dealers have been brutal to our children. Today, three million Thai youths are into drugs and 700,000 are deeply addicted. To be cruel to drug dealers is therefore appropriate.” The Prime Minister’s remarks were supported at all levels of government, not least of all by the Interior Minister, Wan Mohamad Noor Matha, who remarked memorably that drug dealers “will be put behind bars or even vanish without a trace”. The language used by the Prime Minister and his officials throughout the campaign also sought to evoke a feeling of being at war, such as in a March 2 address when he said, “Don’t be moved by the high death figures. We must be adamant and finish this war... When you go to war and some of your enemies die, you cannot become soft-hearted, otherwise the surviving enemy will return to kill you.” He also referred to drug dealers and their accomplices as “traitors”. Over time, this language found its way into policy documents, such as Prime Minister’s Order No. 60/2546, which states in its preamble that “the ‘Concerted Effort of the Nation to Overcome Drugs’ is specifically regarded as a state of war”.

“The language used by the Prime Minister and his officials throughout the campaign also sought to evoke a feeling of being at war”

Provincial governors and police chiefs were motivated to act according to a strict timetable. Their performance was measured by statistics on drug dealers ‘removed’ from society on a month by month basis, starting with 25 per cent of the total by the end of February, 50 per cent by the of March, and 100 per cent by the end of April. The final figure was later reduced to 75 per cent, and a plan drawn up to deal with the remaining 25 per cent at a more leisurely pace by the King’s birthday in December. Underachieving provinces were announced publicly and senior officials openly threatened with the sack or transfers. Clearly an enormous amount of pressure was applied to meet unreasonable and arbitrary targets. And it was not enough for officials merely to present figures of arrests, convictions and deaths of dealers: they had to target thousands of specific persons, whose names were on lists.

Watchlists, blacklists, deathlists

From the start of the campaign, the lists of alleged drug dealers were a source of confusion. There were contradictory stories about how the lists were prepared, how many there were, and the implications of being on one. There appeared at times to be competing lists, and different ways of managing them in different provinces. They seem to have been drawn up from August 2002 by the police, village heads and local administrative bodies under the Interior Ministry, and the Office of the Narcotics Control Board. Whereas the police claim to have relied upon informants and leads, it appears that often they just added names from records of earlier convictions—some going back years. As for the lists prepared by local administrators, reports suggest that in many places the village or subdistrict chiefs simply called public

“A police station in the north got into the spirit of the campaign by piling a dozen coffins onto its doorstep”

meetings and asked people to inform on persons selling drugs in the neighbourhood, without any further investigation. The Interior Ministry claims that lists were cross-checked before final definitive versions were sent out, however in some places police refused to rely on the Interior Ministry lists after criticism that too many innocent persons were being arrested or killed. Meanwhile, the head of the Narcotics Suppression Bureau, Police Lieutenant General Chalermdej Chomphunuj tried to clarify matters by explaining that there were two types of lists in operation: a ‘blacklist’ of targets for arrest, and a ‘watchlist’ of those “pending investigation”. The police commander suggested that the watchlists were comprised of persons who would be investigated, and not arrested automatically. Only a month into the campaign, however, and there were admissions by senior officials that mistakes had been made on the lists. Around 4000 names were removed from the original 46,000-name watchlist, in response to public complaints. By that time over half of the total victims of the ‘war’ were already dead.

Whatever the mechanics of the lists, the consequence of being on one was possible death. Although the manner of killings varied across the country, the most commonly described pattern was as follows:

1. A victim’s name would appear on a list. The list would be made public knowledge, by word of mouth, or other means.
2. The victim would receive a letter or some other notice instructing her to go to the police station.
3. At the police station, the victim would be coerced to sign something admitting guilt, or otherwise acknowledge guilt, with promises by the police that her name would be removed from the list.
4. The victim would be shot on the way home, or within a few days, usually by a group of men in civilian clothes, in daylight and in a public place or at her house, often in front of and without regard to witnesses.
5. Police would fail to investigate the killing properly, and would concentrate on establishing the victim’s guilt as a drug dealer.

Although Lieutenant General Chalermdej tried to reassure a nervous public that, “We don’t simply write down the names of drug suspects on a list and go out to terminate them,” the death toll early in the campaign was dramatic. Dozens of people were being killed daily. An anonymous police colonel was reported as having said that his superiors had in fact ordered him to collect information on drug dealers and then kill the informants and track down and kill those named. “Why should we spare the scum?” he was quoted as saying, echoing the Prime Minister’s sentiments. A police station in the north got into the spirit of the campaign by piling a dozen coffins onto its doorstep.

At the end of February, police in most places had already dealt with their key targets, but were under pressure to continue meeting monthly percentiles imposed on them by Bangkok. Desperate to appear vigilant and keep their jobs, officers began arresting informants or questioning persons with tenuous links to suspects who had already been 'removed' from the lists. Persons who had merely participated in drug control programmes were targeted. In some places, 'complaints boxes' and anonymous hotlines were set up for people to inform on one another. Police are alleged to have increasingly resorted to planting of evidence and coercion to obtain confessions from suspects.

“One characteristic of the campaign was the lack of police investigations after victims were murdered”

One characteristic of the campaign was the lack of police investigations after victims were murdered. Police sometimes excused themselves on the grounds that they needed all their resources to meet the government targets, however the acting director of the Forensic Science Institute, Dr Pornthip Rojanasunan, doubted these explanations. In mid-February she observed that her agency had resources available to help investigate cases, but the police were not seeking its assistance. Whereas before February the Institute had typically examined one to two extrajudicial killings per day, the number of referrals had since dropped to zero. She said that relatives of those killed had contacted the Institute directly to get help in having the deaths properly investigated, “But not much can be done if the first autopsy is conducted elsewhere and the lethal bullets removed.” Other doctors also reported that they were reluctant to attend the scenes of drug-related shootings as required by law, or record anything that did not verify the police version of events.

Where police did attend the murder scenes, their investigations and questions were typically directed towards establishing the victims' guilt, rather than take action to arrest the murderers. For instance, in the case of Somjit Kuanyuyen, instead of collecting evidence the police reportedly interrogated her daughter about her mother's presumed involvement in the drug trade. Where evidence of drug trading was uncovered, it was also used to justify the murder and effectively close the case. When Bussaporn Pung-am was killed, for instance, police briefed the media on how they found court documents in her house showing she had acted as a guarantor for drug suspects, and added that she had been previously arrested on drug charges. The implication of these remarks, as in so many other cases, was that she deserved to die.

Another feature of the campaign was the rise and subsequent fall of the death tally. In February, the Interior Ministry published a daily count of arrests, seizures and killings. As attention increasingly focused on the death toll, the government grew uneasy and accused journalists of misrepresenting the tally. By the end of February, public releases of statistics on killings were banned, in response to growing criticism. At the date of the last official tally, on February 26, 1 140 persons had been murdered. However, later police did release statistics indicating that to

“Whereas the Prime Minister pretended not to care about overseas opinion, his comments and actions betrayed otherwise”

April 16, 2275 persons were killed, 51 by their own agency in “self defence”. By the end of the month the figure was estimated to be around 2400, however by this stage the government was backing away from the statistic, arguing that perhaps half of the murders had been incorrectly recorded.

The death toll was retracted after the first month partly due to growing international alarm over the number of killings. However, as talk grew of possible United Nations involvement, the Prime Minister reacted with annoyance, as reported in *The Nation* on February 15:

Regarding the reported inquiry by the United Nations Commission on Human Rights into Thailand’s current crackdown against drugs, I believe we have nothing to hide. Nothing to worry about... The campaign against drugs will continue, unchanged... The international community owes us an expression of thanks [for reducing the drug trade]. We should not be over-sensitive to what others say. One should put things into perspective. How many policemen have been killed by drug dealers? I lost count of the number of wreaths that I have sent to funerals of policemen killed in the line of duty. Do our critics consider the wretched lives of drug dealers more precious than our policemen’s? Any policemen who kills an innocent person will be prosecuted. Don’t be too self-conscious. Don’t try too hard to live up to international standards. Our country already looks good in the eyes of the international community.

Whereas the Prime Minister pretended not to care about overseas opinion, his comments and actions betrayed otherwise. He eventually permitted a visit by Hina Jilani, the United Nations Special Representative on human rights defenders. Although the Special Representative spent most of her time on matters unrelated to the anti-drug campaign she did raise her concerns with the Prime Minister and the media. In response the Prime Minister launched a personal attack on the Special Representative, remarking, “She is biased and not acceptable. She made unfair remarks about our country. I complained in a talk with her that if she thought the human rights in Thailand are not up to standard, she should look at other UN members including Pakistan, her mother country.”

Media and public response

One of the reasons that the government could effectively get away with murder was the widespread belief, even among its critics, that an overwhelming number of people in Thailand supported the campaign. Tired of seeing drug dealers run rampant across the country, it was said, most were happy to see the government finally do something decisive. The generally accepted view was that the ends justified the means, so long as the persons killed could in fact be considered guilty of a crime. This attitude was captured in a non-government organization’s report on the killing of four ethnic Hmong men, among whom only the village head was thought to be guilty of drug trading:

The family members of village head don't want to talk about this case and they could accept the killing because the head of the village did sell drugs and in their opinion he deserved to be punished (killed). But, the relatives of the other 3 could not accept their killing. They believe that this action was from the police and they are very angry the police executed innocent people.

At the same time, however, as the number of deaths rapidly increased, a wave of fear distorted polls and other means to assess the campaign's popularity. Whatever the case, whether out of genuine support or intimidation, few people were prepared to come out in opposition to the 'war'.

The media response also was problematic. Although daily reporting the latest events, coverage was mostly of comments by officials and chillingly verbatim descriptions of killings as given by police, such as this from the *Bangkok Post* of February 15:

Eight people were yesterday gunned down in Nakhon Phanom province in separate incidents, believed to be drug-related. Five of the victims were killed in Si Songkhram, two in Na Kae and one in That Phanom districts.

In Si Songkhram, Sermsiri Tamonnin, 34, the first victim, was found dead in her house in tambon Ban Uang at 6am. She had been shot in the head and body.

Thien Mokmeechai, 46, was gunned down in his house in tambon Phon Sawang at 6.30am. Witnesses said a man came on a motorcycle, walked into the house and opened fire at Thien.

At about the same time, Amporn Phiewkham, 43, was shot dead at his house in tambon Tha Bo.

Vinai Nakajat, 40, was killed by an assailant in tambon Sam Phong.

In tambon Hat Phaeng, Sompong Promson, 49, was shot at by gunmen while eating inside his house.

In That Phanom district, Suriya Thong-on was gunned down in front of his house in tambon Na Thon.

Killed in their home in Na Kae district about noon were Thanomsak Moonsurin, 40, and his wife Chalaolak, 39.

Nakhon Phanom police chief Pol Maj-Gen Paiboon Phetplai said all of those killed were on record as having been involved in the drug trade.

Media and public concern was restricted to the suffering of obvious innocents, rather than the practice of murder as public policy. An exemplary case was when police shot nine-year-old Chakraphan Srisa-ard in his family's car, as his mother sped away. Had the child not been in the car, it would have been another simple affair of a dead drug dealer for the police to file away. Unfortunately for the officers involved, the young boy's death aroused national ire, and somehow the need for justice in this one case overrode everything else that happened across these three months. The media also focused on the hardships endured by relatives of victims after their deaths. A May 28 article in *The Nation*, for instance, reported on the families of the four Hmong men mentioned above:

“Media and public concern was restricted to the suffering of obvious innocents, rather than the practice of murder as public policy”

“The position of the National Human Rights Commission has been seriously compromised by the anti-drugs campaign”

Somchai Sae Thao’s death has left his wife “Yeng” and their seven children in a distressing situation. The heritage left to them by his death is an uncertain future. As she contemplated her fate, Yeng dropped her eyes to her swelling stomach—a new baby is due soon but it will have no father to provide food and sustenance. Her 15-year-old eldest son is the family’s only hope now. Every day, the boy goes to ask his neighbours whether they want him to work on their farm. Some days the boy is able to return home with something for the family—other days his mother and younger sisters and brothers get nothing to eat.

The media narrowed its reporting on the campaign in part due to overt and covert government threats. As Chaiyan Rajchagool, a lecturer in Social Science at Chiang Mai University noted, “No one objects to drug suppression. But if you raise questions, you can be blamed as someone who supports the drug dealers.” This was apparent when the Defense Minister responded to newspaper criticism by suggesting that journalists were in drug dealers’ pockets. Additionally, the Prime Minister is himself a media and communications tycoon whose influence and financial power can be used subtly in many ways, as Senator Mareerath Kaewkar noted, remarking that for a newspaper or magazine, “One criticism too many could cost millions of Baht in withdrawn advertising.”

The media’s inability to come to terms with the extent and depth of the crisis has left a hole where there used to be public debate in Thailand. Whereas television discussion forums had in recent years become places for lively exchange, with diverse opinions, analysis, and large audiences, now these are gone. The public space for dissent has been markedly reduced. Critics of government actions are restricted to seminars in universities or small gatherings of non-government organizations. Even in these forums, speakers may attack individuals or their actions, but are reluctant to address questions of policy. According to Mark Tamthai, a retired philosophy professor and consultant to the National Security Council, “There is no place in Thailand now where you can publicly study the consequences of government policies.”

Role of the National Human Rights Commission

The position of the National Human Rights Commission has been seriously compromised by the anti-drugs campaign. The Commission, which was only established in 1999, was effectively silenced by the government, and has been unable to excite the public in defence of the principles it represents.

From the beginning, the Commission received relatively few complaints, and most of those were from persons objecting to their names being on a list, not families of murder victims. The Commission did respond to the complaints it received and followed-up on them with the relevant authorities, resulting in amendments to lists made later. However, even this relatively small number of complaints stretched its resources, and it was restricted to dealing with individual cases rather than seriously addressing systemic problems.

The real difficulties for the Commission began when the government attacked one of its members, Professor Pradit Charoenthaithawee, for reporting on the extrajudicial killings during a UN meeting he attended overseas. After returning to Thailand, Professor Pradit received death threats, and calls for his impeachment. In a national radio address, the Prime Minister launched a personal attack on Professor Pradit, and accused him of overstepping his authority as a human rights commissioner. "Let us deal with the UN, because that is our job. Those who are not responsible for such duties should keep away," the Prime Minister said. General Panlop Pinmanee, deputy chief of the Internal Security Operations Command, accused Professor Pradit of being an ally of drug dealers. As a result, the Commission was forced onto the back foot, and spent its time defending its mandate and the reputations of its members, rather than addressing the crisis directly. The Chairman of the Commission, Professor Saneh Chamarik, was obliged to announce that in principle the Commission supported the government's drug suppression policies, so long as in practice they did not violate human rights and the country's Constitution. His conciliatory approach, however, was not responded to favourably by the Prime Minister, who later refused to meet with the commissioners.

“The Commission spent its time defending its mandate and the reputations of its members, rather than addressing the crisis directly”

Responding to criticism about his management of the campaign, rather than engage the National Human Rights Commission, the Prime Minister opted for another approach. He set up committees to report directly to him, thereby sidelining the country's permanent national human rights institution. In two orders of February 28, the Prime Minister established the Committee to Examine the Performance of Competent Narcotics Law Enforcement Officials in Drug Suppression and, the Committee to Monitor the Protection of Informants and Witnesses in Drug Suppression. "I expect the two committees to ensure the rule of law and fairness in the anti-drug campaign," the Prime Minister said. "Critics of the campaign should now direct their empathy to our children who are victims of the drug menace, instead of sounding the alarm for falling traffickers." The first committee sought police and public cooperation in investigating killings, and whether police had followed procedures in making reports, researching crimes and performing autopsies. However, in April the Deputy Attorney General responsible for overseeing the work complained that the committee had not yet received a single report from the police, let alone clear figures on the number of the cases to investigate. In response, police claimed that they hadn't received any requests for reports. Meanwhile, the committee also failed to draw any response from a silent and intimidated public, despite appeals for victims to come forward.

The aftermath

On May 1 the Thai Prime Minister Thaksin Shinawatra declared the 'war on drugs' a success and immediately launched his newest war, against rather more nebulous "dark influences". Within a few days, local authorities in Mae Sot district, Tak, had

“The real challenge for human rights defenders in Thailand lies not in fighting for the rights of the innocent, but rather in fighting for the rights of the guilty”

summarily executed six Burmese migrant labourers, under the impression that they could now ‘remove’ whatever target suited them. Meanwhile, the ‘war on drugs’ is set to continue throughout the year, albeit more low-key; the Prime Minister, it seems, has not tired of the fight.

The anti-drug campaign may have temporarily stemmed the flow and consumption of amphetamines throughout Thailand, but the damage to its institutions will be much more enduring, among them, the parliament, judiciary, police and media. Thailand now has a Prime Minister, a legislative head, who is acting like the head of the executive. It has a police force and government that are complicit in mass murder and have learnt that performance is tied to the payment of commissions. It has a cowed and submissive bureaucracy, and a diminished media.

Above all, a widespread attitude apparently exists that certain types of criminals should simply be shot dead. If this mentality prevails, there is little hope of maintaining an effectively functioning judicial system, as the presumption will be that courts and their procedures can be bypassed or done away with altogether when convenient. In neighbouring Cambodia, where the legal system is still barely operational ten years after the United Nations completed its tenure, alleged motorcycle thieves are beaten to death on the streets rather than it being left to the state to mete out justice. By comparison, what has happened in Thailand this year, where there is an established legal system, is far worse. The killings of alleged drug dealers were organized and approved by decree. The perception that a particular category of persons could be gunned down in their houses and cars was officially approved. The sidestepping of due process was authorized by the state. When clearly innocent people were listed or killed, the state was resented, but so long as the majority of victims were successfully portrayed as guilty, the state proclaimed overwhelming approval. The real challenge for human rights defenders in Thailand, then, lies not in fighting for the rights of the innocent, but rather in fighting for the rights of the guilty.

A comment on the consequences of extrajudicial killings in Thailand

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The effect of drugs on a population can be very dangerous. However, the effect of extrajudicial killings on a justice system is lethal. The latter can contribute much more to the instability, insecurity and degeneration of society than the former. Law enforcement agencies involved directly or indirectly in extrajudicial killings lose all legitimacy.

When a newly emerging democracy such as Thailand allows extrajudicial killings to occur, in fact it is reviving old practices where punishments were meted out at the wish of the rulers without any references to limits imposed by law and morality. Such practices were there for centuries and are part of the people's psyche. The principles of the rule of law introduced by constitutions have only a short history. Any hope of their internalization by people is seriously interrupted by the reintroduction of old practices. This has a tremendously negative impact on democratization. Only those who oppose democratization benefit when such an abrupt reintroduction of old practices takes place. It may be said that with such large-scale extrajudicial killings, Thailand has been pushed many steps backwards.

A law enforcement agency that knows it has blood on its hands due to direct or indirect involvement in extrajudicial killings cannot think of itself with a sense of integrity. When there is such doubt in an organization, it is difficult to control corruption. Thai law enforcement agencies are not known to be free from corruption, however, there have been many moves in recent years to introduce greater measures to control its spread. The present wave of extrajudicial killings has set such developments back a long way.

Another disastrous consequence of this situation is the establishment or hardening of criminal and police links. The extrajudicial killings that have occurred in Thailand across recent months have involved the specialization of functions

“Perhaps many years of struggle for democracy are now being undermined in a very subtle but brutal way”

shared between law enforcement agency personnel and some criminal elements. For example, a person is called to a police station to make a statement and then on his way back home is killed by unknown persons. Such activities are well coordinated, and will not end with these killings. A new relationship has been established between the actual killers and the planners of the killings. Law enforcement officers are in normal circumstances expected to catch criminals. However, now they have become collaborators in murder. How a law enforcement agency can get out of this trap is hard to imagine.

Extrajudicial killings bring in secrecy and deception. There will be a need to deny the responsibility of individuals and also the entire system. For this the law enforcement agency will have to develop a communication policy in which complete or partial falsehood will be allowed out of necessity. When the number of killings has exceeded 2000 persons, such falsifications will have to be done on a large scale. It is only natural that such falsification will have an effect within the institution. Besides that, the public image of the institution will change, as those persons who are quite aware of the facts will be cynical due to institutional fabrications of events.

The group that will be lied to the most will be the family members and associates of those who have been killed. The institution will have to withhold information about the death of a particular person and give family members false information. This will also have to be done to other members of the public, and the media. Thus, the relationship with the public will be marked by deception. The result is that the institution will be lowered in the estimation of the people. Such loss of prestige of a public institution is seriously harmful to the rule of law and democracy.

As the Prime Minister has encouraged this policy, his government will have to protect the officers who are directly or indirectly involved in these killings. Thus, the moral authority of the government over its law enforcement agencies has been greatly diminished. The involved politicians will now have to enter into many compromises with officers. Thus disciplinary control of law enforcement agencies will be even more difficult after these incidents.

These are but a few consequences of allowing such extrajudicial killings to occur. Anyone who cares for democracy and the rule of law should worry about this turn of events. Perhaps many years of struggle for democracy are now being undermined in a very subtle but brutal way. The anti-corruption drive, right to information law, autopsy law and other achievements like the establishment of the National Human Rights Commission have all been undermined in one stroke.

It is necessary to investigate this whole affair and to redress those who have been wronged. Above all, law enforcement agencies should be cleansed of those who have blood on their hands.

Why has the rule of law been made a victim of Thailand's anti-drug campaign?

Asian Human Rights Commission

Since February, when the government of Thailand opened the way for alleged drug traffickers to be murdered with impunity, over 2000 persons have been killed. This relentless carnage poses an enormous threat. Unless quickly averted, the consequences of mass extrajudicial killings will be far deeper and more insidious than the damage caused by the trade and use of drugs in Thailand.

Behind the worst atrocities in history lies the mentality that there exists a class of persons who can be eradicated simply because they are deemed socially undesirable—in this case, alleged drug dealers. Irrespective of what a person is said to have done, if they and their kind are pursued without regard for due process, a deep social crisis is sure to follow.

The Asian Human Rights Commission has consistently reported on cases in Asia where tacit state approval of one human rights violation has led to an intractable cycle of abuse. Extrajudicial killings have led to mass disappearances and torture. Censorship has led to political opponents and human rights defenders being targeted as alleged criminals. Undermining of the judiciary and independent bodies established to monitor abuses has eventually rendered them irrelevant.

By endorsing murder, Prime Minister Thaksin Shinawatra has set his country on a path with dire consequences. Some are already being felt. The Prime Minister has himself attacked the National Human Rights Commission simply for attempting to fulfill its mandate. One of the commissioners has been warned that he may face impeachment, and has received death threats. The Defence Minister has implied that drug dealers are paying members of the media to criticize the government, opening the door for sanctions against journalists.

This is the text of an Asian Human Rights Commission statement of 8 April 2003. All statements made by the Commission can be found online at, <http://www.ahrchk.net/statements/index.php>.

“Behind the worst atrocities in history lies the mentality that there exists a class of persons who can be eradicated simply because they are deemed socially undesirable”

Why did the rule of law need to be undermined to rid Thailand of drugs? The Prime Minister remains answerable both to this question and the consequences of his actions. He must now introduce a number of quick remedial measures to stay the disaster he has precipitated.

The Prime Minister must be unequivocal that offences in Thailand will be dealt with according to established judicial norms. The killings must be stopped, and those already facing charges must be permitted fair trials. The Prime Minister must also guarantee the authority of the National Human Rights Commission, and the safety of its members.

Finally, the Prime Minister must permit a thorough, independent, international enquiry into the atrocities to date, under United Nations auspices. He has remarked that he has nothing to fear from the United Nations and international scrutiny. If this is so then he should be more than willing to oblige. He has said that he can explain everything. And indeed he must do so.

Addressing extrajudicial killings of alleged drug dealers in Thailand

Asian Legal Resource Centre

After a profound crisis hits the law enforcement and administrative organs of a country, it can be difficult to see a way forward. With the extrajudicial killing of over 2000 people accused of dealing in drugs this year, Thailand has been affected by such a crisis. Coming after a period that saw a growing commitment to human rights and democratization, many will be struggling to understand what has happened. Certain agencies and persons must now take it upon themselves to lead their society out of this mess.

The National Human Rights Commission for one must address this crisis as if a matter of its own survival. It must persist in investigating all complaints of killings and other rights violations arising from the 'war on drugs', and make public its findings in each and every case. It must consistently and deliberately lobby through the media and every other available means for a full accounting of these killings. It should also set a target to complete and publicize a thorough report on the killings and related abuses, and present its findings to the National Assembly. Among matters this report should consider is the adequate compensating of all victims and their families. To do all this it must be able to fulfill its mandate, which means that the Prime Minister and other government officials must cease launching attacks against the Commission and its members. They must also respect its powers and respond to its enquiries in keeping with section 32 of the National Human Rights Commission Act of 1999. Furthermore, the Commission must be provided with adequate resources, as stipulated in section 75 of the Constitution.

The Ministry of Justice also must vigorously pursue all cases of murder, and enforce the law equally and without delay. It must respond to all complaints and in particular ensure that in every possible case full and proper autopsies and forensic examinations are conducted. Where bodies or evidence have been destroyed or 'lost', the police officers responsible must be held to account. The Ministry should also consider providing better incentives to

doctors to undertake autopsies and site investigations, and establish the means to ensure that they are not subjected to police intimidation.

Internationally, the United Nations and other groups too must take a much more assertive role in dealing with these events. In particular, the Special Rapporteur of the Commission on Human Rights on extrajudicial killings should approach the Government of Thailand and raise these murders as a subject of special concern. The Special Rapporteur must urge the government to grant an international team access to investigate the killings thoroughly. The United Nations must also respond to attacks on its credibility, and that of its representatives, by the Prime Minister and other officials in the Government of Thailand. Furthermore, it should provide material assistance to agencies genuinely committed to investigating these killings, and likewise suspend partnerships with those that are failing to cooperate. Similarly, international donor agencies should also as a matter of policy raise their concerns regarding these events, and tie the provision of assistance for programmes in Thailand to evidence of progress in investigations.

All of this requires the leadership and participation of concerned Thai citizens. Lawyers, doctors, human rights advocates, victims and their relatives must be prepared to come together and voice their concerns over what has happened. They must exchange ideas on practical, locally devised solutions to the crisis. They must be prepared to act in the face of government threats, and unchallenged assumptions that the vast majority of Thai citizens have been swayed by the propaganda that accompanied this campaign. Indeed, without alternative voices making themselves heard, the public will continue to be held captive to this propaganda and subjected to a climate of fear and intimidation from which only more bloodshed, deceit and animosity can be expected to come.

The Asian Human Rights Charter on enforcement of rights and the machinery for enforcement (www.ahrchk.net/charter)

- 15.1 Many Asian states have guarantees of human rights in their constitutions, and many of them have ratified international instruments on human rights. However, there continues to be a wide gap between rights enshrined in these documents and the abject reality that denies people their rights. Asian states must take urgent action to implement the human rights of their citizens and residents.
- 15.4a The judiciary is a major means for the protection of rights. It has the power to receive complaints of the violation of rights, to hear evidence, and to provide redress for violations, including punishment for violators. The judiciary can only perform this function if the legal system is strong and well-organized. The members of the judiciary should be competent, experienced and have a commitment to human rights, dignity and justice. They should be independent of the legislature and the executive by vesting the power of their appointment in a judicial service commission and by constitutional safeguards of their tenure. Judicial institutions should fairly reflect the character of the different sections of the people by religion, region, gender and social class. This means that there must be a restructuring of the judiciary and the investigative machinery. More women, more under-privileged categories and more of the Pariahs of society must by deliberate State action be lifted out of the mire and instilled in judicial positions with necessary training. Only such a measure will command the confidence of the weaker sector whose human rights are ordinarily ignored in the traditional societies of Asia.
- 15.4.b The legal profession should be independent. Legal aid should be provided for those who are unable to afford the services of lawyers or have access to courts, for the protection of their rights. Rules which unduly restrict access to courts should be reformed to provide a broad access. Social and welfare organizations should be authorised to bring legal action on behalf of individuals and groups who are unable to utilize the courts.
- 15.4c All states should establish Human Rights Commissions and specialized institutions for the protection of rights, particularly of vulnerable members of society. They can provide easy, friendly and inexpensive access to justice for victims of human rights violations. These bodies can supplement the role of the judiciary. They enjoy special advantages: they can help establish standards for the implementation of human rights norms; they can disseminate information about human rights; they can investigate allegations of violation of rights; they can promote conciliation and mediation; and they can seek to enforce human rights through administrative or judicial means. They can act on their own initiative as well on complaints from members of the public.
- 15.4d Civil society institutions can help to enforce rights through the organization of People's Tribunals, which can touch the conscience of the government and the public. The establishment of People's Tribunals emphasizes that the responsibility for the protection of rights is wide, and not a preserve of the state. They are not confined to legal rules in their adjudication and can consequently help to uncover the moral and spiritual foundations of human rights.

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ALRC invites submissions to *article 2* by interested persons and organisations concerned with implementation of human rights standards in the region.

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