

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# THAILAND: DEADLY CRACKDOWN SEES NO JUSTICE AFTER TEN YEARS

Ten years ago today, Thailand witnessed one of the deadliest government crackdowns in the country's history. While protest leaders and demonstrators have faced criminal prosecutions, no justice, truth or reparation has been served to families of those killed during the violence. The Thai government must now bring to justice those suspected of criminal responsibility for crimes committed during the May 2010 unrest.

On 19 May 2010, Thai authorities launched its final military operation to disperse thousands of protestors during months-long demonstrations in Bangkok, which were sometimes violent and included attacks against political opponents. Between 10 April and 19 May 2010, several violent confrontations claimed 94 lives, while at least 1,283 individuals sustained injuries. Protestors, journalists, bystanders, volunteers, police officers and military personnel were among those killed. However the cause of the deaths is still not known for some victims. On the 10<sup>th</sup> anniversary of the last day of the violent crackdowns, Amnesty International calls on the Thai authorities to immediately bring all those suspected of criminal responsibility to justice in fair trials before civilian courts, and provide effective remedies for families of those who were killed.

The protests began on 12 March 2010 when the United Front for Democracy against Dictatorship (UDD) – known as the Red Shirts – mobilized several protests in Bangkok and its periphery, and called for supporters from provinces throughout Thailand to immediately join them. Two days later, the UDD demanded that the then Prime Minister Abhisit Vejjajiva dissolve parliament and hold general elections. When measures by the government's Centre for Resolution for Emergency Situation – headed by then Deputy Prime Minister Suthep Thaugsuban and General Prawit Wongsuwan, who is currently Deputy Prime Minister – had failed, army troops equipped with live ammunition were deployed to disband the demonstrators.

During these operations that commenced on 10 April 2010, the military used unnecessary and excessive force and unlawfully killed protestors, including three children and two unarmed medics wearing medical uniforms with a red cross. While tear gas and rubber bullets were fired, army troops reportedly also fired live ammunition at and above the crowds in the "live fire zones" adjacent to the protest sites. Demonstrators also reportedly used firearms to attack political opponents and security forces, and were accused by the authorities of arson and vandalism.

Following the violence, the government announced on 21 May 2010 that "an independent investigation of all the events that have taken place during the protests" would be carried out "in a transparent manner." To date, none of the government officials, army commanders, or military personnel involved in the operations has been prosecuted, despite the Department of Special Investigation's effort to file murder charges against ex-Prime Minister Abhisit and his deputy Suthep with the Prosecutor's Office based on a court-confirmed death by military ammunition. The victims also filed a malfeasance case against Abhisit, Suthep, General Anupong Paochinda, then Army Commander who currently serves as Minister of Interior, and others to the National Anti-Corruption Commission, but the case was dismissed in 2015. Five police officers who were involved in filing were sentenced to four years imprisonment, then reduced to two, by the Court of Appeal for malfeasance.

Some of the leaders of the demonstration were acquitted of 'terrorism-related' offences by the Criminal Court in August 2019, but have faced serious criminal and civil charges in at least five other cases, one of which resulted in a fine of more than 20,000,000 Thai Baht (approx. USD 780,000). When human rights violations and abuses are committed, all those suspected of criminal responsibility must be brought to justice in fair trials before civilian courts. If state officials are found guilty of human rights violations, purely disciplinary or administrative remedies are inadequate and not in accordance with international law.

Since 2010, families and friends of the victims have consistently called for justice, but in response, some have faced intimidation by government authorities. Phayaw Akkahad, mother of a volunteer nurse Kamonkade Akkahad, who was shot dead at Bangkok's Pathum Wanaram temple, filed murder charges against military personnel with the Department of Special Investigation in 2010. In May 2019, she learned that the military prosecutor issued a non-indictment decision on the case. In July 2019 Phayaw was fined for failure to notify authorities of the protest under

the Public Assembly Act after she had campaigned for justice for her daughter. Most recently, on 11 May 2020, the Special Branch police made several phone calls at night questioning her about plans for the anniversary of her daughter's death. Under international law and standards, remedies must be provided by an independent and impartial court of law, "especially when violation of the right to life is alleged."<sup>1</sup> A key witness to nurse Kamonkade's death – Nathathida 'Waen' Meewangpla – faces 'terrorism-related' charges in relation to a grenade attack on Ratchada Criminal Court, in addition to royal defamation allegations under the vaguely-worded Article 112 of the Thai Criminal Code.

To mark the tenth anniversary and demand justice, since 10 May 2020 a group of activists have projected laser-messages "Searching for the Truth" and "Killing Fields in Central Bangkok" on a number of sites symbolic of the crackdown including Pathum Wanaram temple, the Defence Ministry, the Democracy Monument, the large mall Central World, and Ratchaprasong intersection. In response, the Defence Ministry's spokesperson Kongcheep Tantravanich labelled the act "politically motivated" and threatened to take legal action against the Progressive Movement, the group said to have carried out the campaign.

On the night of 13 May 2020, a number of Red Shirts gathered at the entrance of Bangkok's Lumpini Park in memory of Major General Khattiya Sawatdiphon, known as "Seh Daeng," a military advisor to the protestors, who was struck, and later died, by a sniper's bullet whilst giving a press interview during the 2010 protests. After the crowd dispersed, police at Lumpini police station arrested Anurak "Ford" Jeantawanich, a well-known political activist who had organised the event, and accused him of violating the prohibition of gatherings set under the Emergency Decree and subsequent regulations issued in response to the COVID-19 pandemic. Anurak faces two years in prison and a fine of 40,000 Thai Baht (approx. USD 1,250), in addition to a number of pending criminal charges against him as a result of his previous activism. Amnesty International has previously called on the Thai authorities to ensure that emergency powers to address COVID-19 are not used arbitrarily to restrict human rights.<sup>2</sup>

The lack of justice, truth and reparation from the government for those killed and injured during the 2010 protests highlights the continued impunity for human rights violations, as well as the government's disregard of international law and standards on crowd dispersal and the use of force. The authorities' failure to address these violations creates a climate of fear among the public and allows room for future violations and abuses to go unpunished. The Thai authorities must immediately prosecute any current and former officials and individuals suspected of criminal responsibility, including those with command responsibility, with the guarantee of the right to a fair trial. Full reparation must be effectively provided for relatives of the victims and survivors in accordance with international law and standards.

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<sup>1</sup> Human Rights Committee, José Vicente et al v Columbia, (1997) Communication No. 612/1995, para. 8.2.

<sup>2</sup> See Amnesty International, "Thai authorities' COVID-19 response must not lead to unwarranted restrictions on human rights and freedom of expression," 27 March 2020, <https://www.amnesty.org/en/documents/asa39/2042/2020/en/> (accessed on 17 May 2020).