

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Are political proponents of democracy in Thailand subjected to any adverse attention from the Thai authorities?**
- 2. To what extent are such proponents subjected to arbitrary arrest and detention?**
- 3. To what extent does the Thai government restrict freedom of speech?**
- 4. Are individuals able to criticise the government publicly without reprisal?**
- 5. Has the situation for such proponents of democracy worsened since the coup of 19 September 2006?**
- 6. Does martial law still operate in Thailand?**
- 7. If so, where?**
- 8-13. Questions deleted.**
- 14. Is there any evidence to support the claim that the payment of bribes to the police would be necessary to achieve a person's release from prison in Thailand?**

RESPONSE

- 1. Are political proponents of democracy in Thailand subjected to any adverse attention from the Thai authorities?**

Thailand was democratically governed from 1992 until 19 September 2006. According to the US Department of State report on human rights practices in Thailand for 2006, “[o]n September 19, in a bloodless coup d’etat, military coup leaders overthrew the government of Prime Minister Thaksin Shinawatra”. The report indicates that “[p]rior to September 19, the constitution provided citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage.” The report also notes that “[f]rom 1992 through 2005, there were six national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. Voting was compulsory.” Thaksin Shinawatra’s government “had won reelection in February 2005 in an election viewed as generally free and fair but marred by widespread vote buying” (US Department of State 2007, *Country Reports on*

Human Rights Practices for 2006 – Thailand, March, Introduction & Section 3 – Attachment 1).

The Freedom House 2006 report on Thailand indicates that Thailand's 1997 constitution had "created a parliamentary system with a bicameral legislature." In relation to the major political parties, it is stated in the report that:

Thailand's multiparty democracy is dominated by Thaksin's Thai Rak Thai party (TRT, Thais Loves Thais party), which is generally described as populist and draws important support from rural voters. Three other important political parties are: The Phak Prachatipat (Democratic Party), the country's oldest political party with strong middle class support, particularly in Bangkok; the conservative Phak Chart Thai (the Thai Nation Party, an original member of the TRT coalition government in 2001); and the smaller Phak Machacon (Great People's Party). By late 2005, all three of these parties had begun to take increasingly strong opposition stands against the TRT party (Freedom House 2006, *Freedom in the World: Country Report: Thailand: 2006* – Attachment 2).

Following the military coup on 19 September 2006, "the ruling coup leaders repealed the constitution, abolished both houses of the parliament, and deposed the prime minister and his cabinet." They also "declared martial law, and issued several decrees limiting civil liberties." There were "some limits" imposed "on freedom of speech, freedom of the press, and freedom of assembly." National elections that had been scheduled for 15 October 2006 were cancelled. "On October 1, the military coup leaders, taking the name the Council for National Security (CNS), promulgated an interim constitution and established an interim government." The interim constitution "sets the framework for the adoption of a new constitution with elections to follow." It "did not provide citizens the right to change their government peacefully; however, it did establish a process by which a new constitution would be drafted and submitted to a public referendum" (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Thailand*, March, Introduction & Section 3 – Attachment 1).

The Human Rights Watch 2007 world report on Thailand indicates that following the military coup on 19 September 2006, "[t]he coup leaders announced on October 20 that they would uphold the principles enshrined in the United Nations Charter, but fundamental rights were nevertheless restricted." The report notes that:

Political gatherings of more than five people were banned, with a penalty of six months of imprisonment. Existing political parties were ordered not to conduct any political activities or hold assemblies. Four senior members of the Thaksin administration as well as a parliamentarian and a pro-Thaksin activist were taken into military custody for periods ranging from one to ten days (Human Rights Watch 2007, *World Report 2007 – Thailand – Events of 2006*, January – Attachment 3).

According to a *BBC News* article dated 22 September 2006, "[t]he coup followed months of growing tension in Thailand, with protests against Mr Thaksin and a general election which was annulled due to concerns about its legitimacy." The coup leader General Sonthi Boonyaratglin had "said he was acting in line with the wishes of the Thai people, accusing the old government of corruption and fostering divisions in the country" ('Thai king backs coup leadership' 2006, *BBC News*, 22 September <http://news.bbc.co.uk/2/hi/asia-pacific/5369760.stm> - Accessed 22 May 2007 – Attachment 4).

The Amnesty International 2007 report on Thailand notes that beginning in February 2006, there had been “[m]ass demonstrations in Bangkok protesting against the government of Prime Minister Thaksin Shinawatra”. The protests “continued for several months. Protesters condemned alleged widespread financial irregularities during his administration. Thaksin Shinawatra called for April elections, which were won by his Thai Rak Thai party and boycotted by the major opposition parties. The results were nullified in May by the Constitutional Court and new elections were scheduled to take place in November” (Amnesty International 2007, *Amnesty International Report 2007 – Thailand*, May <http://thereport.amnesty.org/eng/Regions/Asia-Pacific/Thailand> - Accessed 25 May 2007 – Attachment 5).

Other sources indicate that prior to the coup on 19 September 2006 the government of Thaksin Shinawatra had been accused of becoming more authoritarian. A *BBC News* article dated 5 August 2004 notes that a report by Thailand’s Human Rights Commission had said Thailand “was headed towards a culture of authoritarianism, rather than one which respected human rights.” The report criticised Thaksin Shinawatra’s “government for putting its own interests above those of its people” and condemned “Thailand’s notorious war on drugs” which “resulted in the deaths of more than 2,000 people” in the previous year (Morris, Kylie 2004, ‘Thai PM angry at damning report’, *BBC News*, 5 August <http://news.bbc.co.uk/2/hi/asia-pacific/3538892.stm> - Accessed 22 May 2007 – Attachment 6).

The Human Rights Watch 2007 world report on Thailand indicates that “[u]ntil former Prime Minister Thaksin was ousted from power, his government remained defiant to international concerns over the erosion of human rights standards in Thailand” (Human Rights Watch 2007, *World Report 2007 – Thailand – Events of 2006*, January – Attachment 3).

The section on Thailand in the *Political Handbook of the World: 2007* notes that during the year after Thaksin Shinawatra had been able to form a one-party government following a commanding win in the February 2005 election, opposition to his “policies and alleged authoritarianism continued to grow” and a People’s Alliance for Democracy was formed, which demanded his resignation. It is stated in the book that:

During the next year, opposition to the prime minister’s policies and alleged authoritarianism continued to grow, especially among middle-and upper-class political elites in Bangkok, where on February 4, 2006, an anti-Thaksin rally drew an estimated 100,000 to Royal Plaza. A direct precipitant had been the tax-free sale by Thaksin’s family of its 49 per-cent stake in the Shin Corporation, a telecommunications company, for \$1.9 billion. Immediately after the anti-Thaksin rally, leaders from some 40 nongovernmental organizations and other groups announced formation of a People’s Alliance for Democracy (PAD), which demanded Thaksin’s resignation and a return to political reform.

The book also notes that “[t]he Thaksin’s government’s apparent inability to resolve” a rebellion in three Muslim-majority provinces in Thailand’s south “was a major factor in the anti-Thaksin movement. The PAD campaign, in addition to demanding Thaksin’s resignation, hoped to rekindle the political reform movement that had brought down the Suchinda government in 1992. It brought together a broad cross-section of predominantly urban interest groups – nongovernmental organizations, academics, students, organized labor, businesses, and advocates for the poor” (‘Thailand’ in Banks, Arthur S., Muller, Thomas C. & Overstreet, William R. 2007, *Political Handbook of the World: 2007*, CQ Press, Washington, D.C., pp. 1221 & 1223 – Attachment 7).

An article dated 14 July 2006 by Human Rights Watch refers to sedition charges being filed against leaders and members of the PAD. It is stated in the article that:

The Thai government should withdraw sedition charges against prominent critics of caretaker Prime Minister Thaksin Shinawatra, Human Rights Watch said today. Along with a series of criminal and civil defamation suits filed by Thaksin and others, the sedition charges threaten political pluralism in the run-up to national elections expected later this year.

...In recent remarks at a gathering of senior government officials on June 29, Thaksin vowed to protect democracy with his life. He said, "I will not allow any attempts to erode democracy while I am prime minister." Yet, since coming to power in 2001, Thaksin has used a potent combination of state and corporate power to intimidate and silence critics. In its confrontation with the PAD, the Thai government has moved aggressively to freeze freedom of expression and of the media by filing, or having surrogates file, criminal defamation suits and exorbitant civil defamation claims against prominent activists and independent journalists and media organizations (Human Rights Watch 2006, *Drop sedition charges used to silence opponents*, 14 July – Attachment 8).

The US Department of State report on human rights practices in Thailand for 2006 indicates that between January and April 2006, the PAD "staged a series of massive antigovernment demonstrations in Bangkok and other cities around the country. The demonstrations, some drawing as many as 100,000 to 200,000 participants, were peaceful. Although demonstrators in Bangkok did not always possess the proper permits for some of the actions they staged, the authorities consistently allowed demonstrations to proceed without incident. On April 23, PAD was forced to cancel a seminar in Udon Thani after a pro-Thaksin group of several hundred people began pelting PAD organizers with stones and other objects." The report also notes that "[p]rior to September 19, the constitution provided for freedom of assembly and association, and the government generally respected these rights in practice" (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Thailand*, March, Section 2(b) – Attachment 1).

2. To what extent are such proponents subjected to arbitrary arrest and detention?

A search of the sources consulted did not locate specific information regarding the extent to which political proponents of democracy in Thailand are subjected to arbitrary arrest and detention. Information was found regarding the detention of former officials and supporters of the previous government following the military coup on 19 September 2006.

The US Department of State report on human rights practices in Thailand for 2006 indicates that:

Prior to the September 19 coup d'état, the constitution prohibited arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. On September 19, the military coup leaders revoked the constitution and decreed martial law.

... Under martial law, the military had the authority to detain persons without charge for a maximum of seven days. Following the September 19 coup, the coup leaders detained a number of former government officials and TRT party loyalists. Most of these persons were held for several hours and then released. Four high-ranking former government officials, the former deputy prime minister Chidchai Wannasatht, the former secretary general to the prime minister Prommin Lertsuridej, the former minister in the Prime Minister's Office Newin

Chidchob, and the former minister of natural resources and the environment, Yongyuth Tiyapairat, were detained on September 19 and released on October 1.

The report also indicates that “[t]here were no reports of political prisoners or detainees” (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Thailand*, March, Sections 1(d) & (e) – Attachment 1).

According to an *Agence France-Presse* article dated 18 May 2007, the detentions of “three supporters of ousted premier Thaksin Shinawatra” who “were preparing for an anti-junta rally in the former premier’s home province of Chiang Mai”, were the first detentions “against dissidents since the military overthrew Thaksin’s twice-elected government in September last year” (‘Thailand detains Thaksin supporters amid media crackdown’ 2007, *Agence France-Presse*, 18 May – Attachment 9).

3. To what extent does the Thai government restrict freedom of speech?

4. Are individuals able to criticise the government publicly without reprisal?

The US Department of State report on human rights practices in Thailand for 2006 provides information regarding freedom of speech and the press in Thailand both prior to and following the coup d’etat in Thailand on 19 September 2006. The report indicates that “[b]y law the government may restrict freedom of speech and freedom of the press to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent criticism of the royal family and insults to Buddhism.” It is stated in the report that:

Prior to September 19, the constitution, with some exceptions, provided for freedom of speech and of the press. While individuals could criticize the government publicly and privately without official reprisal, there were incidents in which the government limited freedom of speech. The government consistently pressured the media, particularly the broadcast media, to limit dissenting views through threats of libel suits and other means. The government and its allies owned all the major broadcast media, and large shares of the newspaper sector. The government shut down community radio stations and Web sites critical of the ruling party, although these stations were able to reopen. The courts continued to issue rulings that helped protect press freedoms. Following the coup d’etat, the constitutional provisions regarding the rights of freedom of speech and freedom of the press were suspended, and in practice these rights were limited, particularly in the immediate aftermath of the coup. Legal experts opined that the interim constitution incorporates by reference the legal protections contained in the 1997 constitution.

...On September 20, the military coup leaders ordered the Ministry of Information and Communication Technology (ICT) to “censor, prevent, block, and destroy dissemination” of information carried on the telecommunications networks that contained “articles, messages, verbal speech, or any other discourse” that could undermine the coup leaders. On the same day, the coup leaders issued an announcement that sought “cooperation from the mass media...(in) joint efforts to disseminate factual and constructive news and information.” During the remainder of the year, print and broadcast media nonetheless reported news critical of the interim government and CNS and continued to report the statements and activities of the former prime minister.

Prior to September 19, print media criticism of political parties, public figures, and the government was common and vigorous. Journalists generally were free to comment on government activities without fear of official reprisal; however, the print media routinely practiced self-censorship, particularly with regard to the monarchy and national security. The

government and its allies exerted strong pressure on the print media. According to NGOs, including the Thai Journalists Association (TJA), the government controlled the media through direct ownership, the threat of withdrawing financial support and advertisements, constraints on the flow of information, and pressure on journalists and activists.

Libel suits were used to encourage self-censorship...

Self-censorship in the broadcast media was evident even before the coup. Producers and reporters who criticized the government faced political or economic repercussions, such as reassignment to other duties in a publication, termination of a broadcast program, loss of advertising, politically motivated libel suits, or removal from a role in the production or presentation of a broadcast program. There were credible reports that the political opposition had difficulty getting broadcast time due to fears of offending the government. On August 20, broadcast journalists at a TJA seminar admitted they employed self-censorship to ensure they remained on air and avoided government harassment.

In the days following the September 19 coup d'état, broadcast media, particularly television, was closely monitored. On the night of the coup, armed soldiers deployed to television and radio stations throughout Bangkok. All regular television programming ceased, and all broadcast stations aired programming from the army-owned and operated Channel 5. By mid-morning on September 20 these stations had returned to "regular" programming, mostly light entertainment and informational shows. Newscasts continued to air at their regularly scheduled times, and reports included factual, although positively slanted, news of the coup. Soldiers in the stations reportedly requested news producers not to air negative reports on the coup. Armed troops remained deployed at the stations for several weeks. The privately operated United Broadcasting Corporation (UBC) cable network blocked CNN and BBC on the night of the coup. For the next few weeks, UBC continued to occasionally block the signal when those networks aired images of former prime minister Thaksin.

The ICT also banned radio programs with call-in formats and asked television programs not to broadcast text-messages from viewers on screen. Programming gradually returned to normal over the subsequent weeks.

Soon after the coup, the local branches of the PRD asked hundreds of community radio stations in the North and Northeast to cease broadcasting. An army representative explained that the stations were too difficult to monitor to ensure that they were not broadcasting pro-Thaksin information. Within two weeks, most of these stations had permission to resume operating.

At year's end there was no resolution of the following cases of journalists killed in 2005: the February killing of Phruttiphong Marohabut, a cameraman for iTV, in Pattani Province; the February killing of Kiat Saetang, editor of the Hat Yai Post, in Pattani Province; the June killing of Manop Ratanajaroongporn, in Phang Nga Province; and the November killing of Santi Lammaneenil, owner of the Pattaya Post and freelance reporter. All were believed to have been killed for their politically sensitive reporting.

...Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by electronic mail; however, there were some limitations. The ICT cyber inspection team is responsible for censorship. Prior to the September 19 coup, most banned Web sites featured pornography or offered illegal products...

Following the coup many popular Web sites banned political topics in their chat rooms. Anticoup political messages and blogs continued on other Web sites. ICT blocked two local Web sites explicitly critical of the coup. BBC reported that parts of its Web site, which featured commentary on the possible role of the king, also were blocked.

...There were no government restrictions on academic freedom, either before or after the coup (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Thailand*, March, Section 2(a) – Attachment 1).

The Freedom House 2006 report on Thailand includes information on freedom of speech and freedom of the press in Thailand prior to the coup (Freedom House 2006, *Freedom in the World: Country Report: Thailand: 2006* – Attachment 2).

The Human Rights Watch 2007 world report on Thailand comments on the restrictions imposed on the media following the coup. The report also notes that:

On October 8 Pongthep Thetpratheep, secretary-general to the interim prime minister, General Surayud Chulanont, told activist groups and journalists to stop voicing opposition to the new cabinet line-up, saying that it could be viewed as interfering with the King's decision. "Lese majeste" is a serious criminal offense in Thailand, punishable by up to 15 years in prison (Human Rights Watch 2007, *World Report 2007 – Thailand – Events of 2006*, January – Attachment 3).

According to a recent Human Rights Watch article dated 24 May 2007, Thailand's military-backed government was "undermining free political debate and delaying the return to democracy by barring access to many political websites". It is stated in the article that:

Since the current government came to power after a September 2006 coup against Prime Minister Thaksin Shinawatra, Thai authorities have been active in silencing cyber critics and dissidents. This is in stark contradiction to Prime Minister Surayud Chulanont's pledges to create an atmosphere conducive to democratization and political reform.

"A major complaint about Thaksin was his muzzling of the media and willingness to limit free speech," said Brad Adams, Asia director at Human Rights Watch. "The military-backed government promised a quick return to democracy, but it's now attacking freedom of expression and political pluralism in ways that Thaksin never dared."

...Many of the blocked websites were established in opposition to the September 19, 2006 coup and the subsequent role of the military in Thai politics. Websites blocked include the September 19 Network (www.19sep.net and www.19sep.org) and websites known to be supportive of Thaksin and his Thai Rak Thai party, such as the online telecast of PTV television (www.ptvthai.com), the online broadcast of Saturday Voice (www.saturdaylive.org and saturdayvoice.no-ip.info) and the online broadcast of FM 87.75 Taxi Community Radio (www.shinawatradio.com). Hosts of popular political blogs used among cyber critics and dissidents, such as BlogSpot (www.blogspot.com), have also been blocked by some ISPs.

...On November 15, 2006, the government introduced a draft law to criminalize the generation, possession, storage, dissemination of and access to prohibited information on the internet. The Bill on Computer-Related Offenses passed its first reading on the same date. On May 9, 2007, the legislation was quickly passed in the second and third readings by an overwhelming 119-1 vote by members of the National Legislative Assembly. The law provides broad powers to officials appointed by the MICT minister to intercept and seize computer data, and seek court warrants to block the dissemination of information on the internet if such information is considered as a threat to national security according to the Penal Code. The law carries harsh penalties for those found guilty of offenses, including a penalty of up to five years of imprisonment and/or a fine of up to 100,000 baht (US\$2,700). Lawyers, internet and media professionals, and bloggers fear that in a tense political environment, these provisions could easily be misused by the authorities against political

opponents and critics of military rule (Human Rights Watch 2007, *Thailand: Military-Backed Government Censors Internet*, 24 May <http://hrw.org/english/docs/2007/05/23/thaila15996.htm> - Accessed 28 May 2007 – Attachment 10).

The *Agence France-Presse* article dated 18 May 2007 indicates that there had been a nationwide crackdown by the government “on 3,000 community radio stations after authorities shut down three Bangkok stations which broadcast telephone calls from Thaksin, who now lives in London.” The article also notes that “[w]hile anti-junta protests have become more frequent in the capital, no one has been detained for voicing opposition” (‘Thailand detains Thaksin supporters amid media crackdown’ 2007, *Agence France-Presse*, 18 May – Attachment 9).

5. Has the situation for such proponents of democracy worsened since the coup of 19 September 2006?

An article dated 29 March 2007 indicates that Thailand’s “coup-makers had claimed restoration of democracy as one of the justifications for the 19 September 2006 putsch against Thaksin, who was accused of corruption and abuse of power” (‘Coup leader calls for state of emergency in response to expression of dissent’ 2007, *IFEX Alerts*, source: Southeast Asian Press Alliance (SEAPA), 29 March – Attachment 11).

However, as previously mentioned, following the military coup on 19 September 2006, the coup leaders repealed Thailand’s constitution, abolished parliament and restricted a number of fundamental democratic rights. An interim government was formed and an interim constitution that provides for a new constitution and for elections was promulgated. The Thai prime minister has been reported as saying that an election is to be held in December 2007. Sources indicate that protest rallies have been held since the coup without arrests.

The Amnesty International 2007 report on Thailand indicates that “[f]our officials of the deposed government were briefly detained in the aftermath of the coup.” The report also notes that the Council for National Security retained “key decision-making powers over government appointments, including the National Legislative Assembly (the interim legislature) and in the constitution drafting process.” It is stated in the report that:

Article 3 of the Interim Constitution provides that “human dignity, rights, liberties, and equality? [sic] as well as Thailand’s existing international obligations” shall be protected, but does not specify which rights and how they would be protected. The CDR Announcement 10 placed restrictions on the media; some 300 community radio stations were closed and some Internet sites blocked. Announcement 15 prohibited political parties from meeting or conducting other political activities. Announcement 7 banned political gatherings of more than five people. In November the government announced it would lift the ban but it is not clear if this was officially revoked. The security forces did not take any action against demonstrators (Amnesty International 2007, *Amnesty International Report 2007 – Thailand*, May <http://thereport.amnesty.org/eng/Regions/Asia-Pacific/Thailand> – Accessed 25 May 2007 – Attachment 5).

The US Department of State report on human rights practices in Thailand for 2006 notes that “[a]lthough there were no credible reports of reprisals by the authorities for violation of” the coup leaders’ decrees prohibiting political activities by political parties and political gatherings of more than five people, “many NGOs and civil liberty advocacy groups

expressed concern that they inhibited individuals from exercising their rights of assembly and association. On November 9, the National Legislative Assembly voted to lift the decree prohibiting gatherings of more than five persons for political purposes. The restriction was formally lifted on December 27” (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Thailand*, March, Section 2(b) – Attachment 1).

A *Reuters News* article dated 29 March 2007 indicates that Thailand’s Prime Minister Surayud Chulanont had said that “a general election would be held in December” in Thailand. The Thai Prime Minister had also rejected “a military demand for emergency powers to halt growing anti-government protests”. The request for an emergency decree “had unnerved investors and outraged democracy activists.” The article also notes that “[m]artial law imposed after the September coup was in name only and rarely enforced on the streets of Bangkok. But political parties have bristled at a ban on their activities” (Hariraksapitak, Pracha 2007, ‘Thai PM rejects emergency law, calls Dec poll’, *Reuters News*, 29 March – Attachment 12).

An article dated 27 April 2007 notes that the first draft of Thailand’s proposed constitution “has drawn flak from politicians who say the new arrangement would hand too much power to civil servants and other unelected officials.” The document “would end the election of senators, offer amnesty to the military for the coup, weaken political party discipline, and cut the number of members of parliament.” According to the article:

To some observers, the proposed constitution - drawn up by a handpicked body chaired by one of the coup plotters - is designed to stop ousted Prime Minister Thaksin Shinawatra or any future politician from using a popular mandate to challenge the status quo. Instead, the framers appear to favor a partial democracy that reins in the powers of elected representatives and keeps their ambitions in check (Montlake, Simon 2007, ‘Draft Thai constitution draws criticism’, *The Christian Science Monitor*, 27 April – Attachment 13).

Another article dated 26 May 2007 indicates that Thailand’s “Constitution Tribunal judges” were due to decide whether the Thai Rak Thai and Democrat parties were “guilty of poll fraud” during “the annulled general election” held in April 2006. “Punishment could include dissolution and banning their leaders from political office for five years.” It is stated in the article that:

Eliminating from politics Thailand’s largest, most popular and best-organised parties, along with their leaders, would help pave the way for a democracy of weak parties and feeble governments, watched over by a strong bureaucracy and an appointed senate. This is the plan suggested by the draft constitution now open for public comment. It would also make life easier for any party willing to do the military’s bidding. Some reports suggest the generals have been sounding out Matchima, a party-in-the-making, consisting of 100 MPs with reputations for opportunism rather than sound policy (Fullbrook, David 2007, ‘Thai politics: tangled in a web of manipulation’, *South China Morning Post*, 26 May – Attachment 14).

In relation to protest rallies against the coup, the *BBC News* article dated 22 September 2006 refers to “dozens of pro-democracy activists” in Bangkok holding “the first protest rally since Tuesday’s coup.” The article indicates that “[t]he gathering, outside an upmarket shopping centre, was illegal under martial law but ended without incident” and that “the anti-coup demonstrators in Bangkok were able to protest without being arrested on Friday afternoon, despite the ban on gatherings of more than five people.” The article also notes that the military had “continued to crack down on those close to the ousted prime minister Thaksin

Shinawatra”, and that “[s]everal pro-Thaksin police officers have been removed from their posts, and at least three ministers of the deposed government are in custody. More detentions are expected in the coming days” (‘Thai king backs coup leadership’ 2006, *BBC News*, 22 September <http://news.bbc.co.uk/2/hi/asia-pacific/5369760.stm> - Accessed 22 May 2007 – Attachment 4).

Further articles refer to “[a]s many as 50 university students and some academics” demonstrating “against last week’s coup and its “illegitimate leaders” at Thammasat University” on 25 September 2006 (‘Protestors defy junta restriction’ 2006, *The Nation*, 26 September – Attachment 15), and to “nearly 300 protesters” marching “along Rajdamnoen Avenue from Thammasat University to Democracy Monument” on 14 October 2006 in the “first mass public demonstration since 19 September” (“First march” against coup attracts “nearly 300”; no arrests’ 2006, *BBC Monitoring Service*, source: *The Nation*, 15 October – Attachment 16).

An article dated 2 November 2006 refers to “the death of [a] pro-democracy taxi driver”, who had “hanged himself on a pedestrian flyover in front of Thai Rath head office late Tuesday night, a month after ramming his taxi into a tank in a protest against the coup” (‘Thai security council worried taxi driver’s suicide may incite protests’ 2006, *BBC Monitoring Service*, source: *The Nation*, 2 November – Attachment 17).

According to the previously mentioned *Agence France-Presse* article dated 18 May 2007, “three supporters of ousted premier Thaksin Shinawatra” had been detained while “preparing for an anti-junta rally in the former premier’s home province of Chiang Mai”. The article indicates that “[t]he detentions were the first against dissidents since the military overthrew Thaksin’s twice-elected government in September last year.” The detentions “coincided with the government’s nationwide crackdown on 3,000 community radio stations after authorities shut down three Bangkok stations which broadcast telephone calls from Thaksin, who now lives in London.” The article also notes that “[w]hile anti-junta protests have become more frequent in the capital, no one has been detained for voicing opposition” (‘Thailand detains Thaksin supporters amid media crackdown’ 2007, *Agence France-Presse*, 18 May – Attachment 9).

6. Does martial law still operate in Thailand?

7. If so, where?

Although the Amnesty International 2007 report on Thailand refers to martial law being “lifted in 41 provinces in December” in Thailand, but remaining “in place in 35 border provinces” (Amnesty International 2007, *Amnesty International Report 2007 – Thailand*, May <http://thereport.amnesty.org/eng/Regions/Asia-Pacific/Thailand> - Accessed 25 May 2007 – Attachment 5), other articles indicate that martial law was partially lifted in Thailand in January 2007.

According to a *BBC News* article dated 26 January 2007, martial law, which had “been in place since the coup on 19 September 2006”, had been lifted in 41 of Thailand’s provinces. It is stated in to the article that:

The move means Bangkok and 41 of Thailand’s 76 provinces are no longer under the special restrictions imposed in the wake of September’s coup.

... Martial law continues in northern and border provinces, including Chiang Mai.

Analysts say Chiang Mai is a stronghold of former Prime Minister Thaksin Shinawatra, who was ousted in the September coup while travelling overseas, and who is yet to return to the country.

The article also indicates that “[t]he restrictions will remain in place in Thailand’s insurgency-racked southern provinces as well as in the northern areas.” The lifting of martial law had been “approved by the military-backed government in November but has been awaiting royal approval.” Martial law remained in 35 provinces and the defence minister, Boonrawd Somtat, had said in November that emergency laws remained “in those provinces “due to both domestic and foreign security concerns, as well as concerns about drug smuggling and illegal immigration”.” The article also notes that “[w]hile the military leadership has been under international pressure to lift martial law, in practice few Thais have felt the restrictions, correspondents say” (‘Thailand partly lifts martial law’ 2007, *BBC News*, 26 January <http://news.bbc.co.uk/2/hi/asia-pacific/6302529.stm> - Accessed 22 May 2007 – Attachment 18).

The previously mentioned article dated 29 March 2007 indicates that martial law in Thailand was “partly lifted on 27 January 2007, freeing 41 provinces out of 76, including the capital city.” The article notes that General Sonthi Boonyaratglin, Thailand’s coup leader, had “asked the government he installed to declare a state of emergency in Bangkok “to maintain law and order” and stop anti-coup protests that have been gaining momentum over the past weeks.” The article indicates that “[u]nder the interim Constitution established by the junta after it tore up the 1997 Constitution upon the coup, the prime minister has the power to declare emergency rule with the approval of the cabinet.” Under emergency rule, the authorities would have “many of the same powers they had under martial law” (‘Coup leader calls for state of emergency in response to expression of dissent’ 2007, *IFEX Alerts*, source: Southeast Asian Press Alliance (SEAPA), 29 March – Attachment 11).

Another previously mentioned article dated 29 March 2007 refers to Thailand’s Prime Minister Surayud Chulanont rejecting “a military demand for emergency powers to halt growing anti-government protests” and saying that “a general election would be held in December.” The request for an emergency decree “had unnerved investors and outraged democracy activists.” The article also notes that “[m]artial law imposed after the September coup was in name only and rarely enforced on the streets of Bangkok. But political parties have bristled at a ban on their activities” (Hariraksapitak, Pracha 2007, ‘Thai PM rejects emergency law, calls Dec poll’, *Reuters News*, 29 March – Attachment 12).

A further article dated 10 April 2007 indicates that Thailand had “extended a state of emergency in Muslim-majority provinces” for “another three months from April 20.” The extension affected three provinces in southern Thailand. “The region has also been under martial law since the military seized power in Bangkok in a coup in September” (‘Thailand extends emergency in Muslim south’ 2007, *Agence France-Presse*, 10 April – Attachment 19).

The *Agence France-Presse* article dated 18 May 2007 refers to “35 provinces out of Thailand’s 76 provinces” remaining “under martial law”, with restrictions remaining “in force across much of the rural north, the powerbase of ousted Thaksin, as well as in some southern provinces where a separatist insurgency rages.” The article indicates that martial law was lifted by the government in “41 areas, including Bangkok, in January” (‘Thailand detains

Thaksin supporters amid media crackdown' 2007, *Agence France-Presse*, 18 May – Attachment 9).

8-13. Questions deleted.

14. Is there any evidence to support the claim that the payment of bribes to the police would be necessary to achieve a person's release from prison in Thailand?

An article dated 20 September 2002 in *The China Post* refers to claims by a Taiwanese man that "he was detained for 15 months in Thailand on trumped up charges after refusing to pay bribes." The man was detained by police at Bangkok airport and taken "to prison on drug trafficking charges." He claims that "at one point early on during his incarceration a police officer told him in no uncertain terms that he could get out prison if he paid a bribe of four million baht, roughly the equivalent of NT\$3.23 million." He refused to pay and was eventually found not guilty 15 months later ('Man claims Thais detained him for 15 months for refusing to pay bribes' 2002, *The China Post*, 20 September – Attachment 20).

A search of the sources consulted did not locate other specific information regarding whether the payment of bribes to the police would be necessary to achieve a person's release from prison in Thailand. However, information was found regarding widespread corruption among Thai police officers. There were also other reports that police had requested money not to proceed with charges against persons.

The US Department of State report on human rights practices in Thailand for 2006 indicates that "[c]orruption remained widespread among police officers. Police officials suggested that low pay made them susceptible to bribes." The report also indicates that "[d]uring the year there were newspaper reports of numerous cases in which citizens accused police of using brutality, threatening false charges, and extorting bribes. Investigations were undertaken in most of the cases, including several in which the accused police officers were suspended pending the results of internal investigations" (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Thailand*, March, Sections 1(c) & (d) – Attachment 1).

According to the Freedom House 2006 report on Thailand, "[a]necdotal evidence suggests that official corruption is widespread, including both bureaucrats demanding bribes in exchange for routine services and law enforcement officials being paid off to ignore trafficking and other illicit activities" (Freedom House 2006, *Freedom in the World: Country Report: Thailand: 2006* – Attachment 2).

An Asian Human Rights Commission urgent appeal dated 17 July 2006 regarding a couple in Thailand who "allege that in 2002 they were illegally detained, assaulted, and robbed by police officers in Saraburi province who forced them to confess to drug offences", refers to an allegation by the man involved that a policeman had "said that if he could pay 200,000 Thai baht (USD 5000) then he could get released." It is also stated in the document that:

Prisoners and persons released from jails in Thailand with whom human rights defenders there have spoken claim that these practices are routine for the Thai police. The familiar pattern is that a group of men abduct a person, take them to a private location, rob and assault them and then offer that they can be freed from the charges in exchange for cash. Those who can pay are released, and the others are forced to confess, reenact alleged crimes and be prosecuted. Women have also allegedly been raped in the course of such incidents (Asian

Human Rights Commission 2006, *Alleged abduction, torture & armed robbery of couple by police; no effective investigation despite many complaints*, 17 July – Attachment 21).

A RRT research response dated 3 November 2006 includes information on police corruption in Thailand (RRT Country Research 2006, *Research Response THA30895*, 3 November – Attachment 22).

Internet Sources:

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Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

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UN High Commissioner for Refugees (UNHCR) website

<http://www.unhcr.org/cgi-bin/tehis/vtx/rsd>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

International News & Politics

BBC News <http://news.bbc.co.uk>

Region Specific Links

Search Engines

Copernic <http://www.copernic.com/>

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

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