



THAILAND

“Targets of Both Sides”

Violence against Students, Teachers, and Schools
in Thailand’s Southern Border Provinces

HUMAN
RIGHTS
WATCH



“Targets of Both Sides”

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in Thailand’s Southern Border Provinces**

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Printed in the United States of America
ISBN: 1-56432-689-6
Cover design by Rafael Jimenez

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Summary

An armed Ranger walks through the school yard during a break between classes at Ban Klong Chang Elementary School, Pattani. A camp for 32 paramilitary Rangers has been established in the school compound.

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“TARGETS OF BOTH SIDES”

Photos by David Hogsholt / Reportage by Getty Images

“I am afraid of [the soldiers], because the soldiers are very touchy. They love to hold the children, and that’s okay for the boys, but for girls we can’t allow men to touch our body. And I am not happy when the soldiers ask whether I have any older sisters and ask for their phone numbers.”

A 10-YEAR-OLD GIRL AT THE SCHOOL

I had nothing against the soldiers when they were outside the school.... But when they moved into the school, I feared there would be an attack on the school, so ... I withdrew my children.... [I]f there was a hit on the grounds, the children would be hit.

THE MOTHER OF TWO CHILDREN WHOSE SCHOOL WAS PARTIALLY OCCUPIED BY GOVERNMENT PARAMILITARY FORCES

The frequency of the raids has disrupted the education and created a feeling of uncertainty for teachers and students because we don’t know when the soldiers will come next.... I feel insecure, and my students feel insecure.

A TEACHER AT A PRIVATE ISLAMIC SCHOOL



Since separatist insurgents renewed regular attacks in 2004 in Thailand’s southern provinces of Pattani, Yala, and Narathiwat, students, teachers, and schools have been caught up in violence by both the insurgents and government security forces.



Students at Ban Klong Maning Elementary School, Pattani, wait outside their classroom as a soldier from a “Peace and Development” infantry unit guards the rooms on the ground floor that are occupied by his unit.



I turned and found a gun pressed against my cheek. When the trigger was pulled, the impact of the bullet spun my body around, and I was shot on the other side of the head.... I tried to block [the shot] and the bullet went through a finger of my left hand and into my skull.... [My] students were affected the moment they learned that I was shot... [They] all broke out in tears, asking, "Who shot the teacher?" Many came to visit me in the hospital and cried when they saw I was shot.

An ethnic Malay Muslim teacher at a government school, Nuriham S. was shot three times by insurgents. He lost one finger, his jaw was shattered, and his tongue was mutilated by the bullet to his face. He still has one bullet lodged in his skull. Prior to the attack, insurgents warned him that as a Muslim he should not be teaching at a government school.

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The insurgents, who view the educational system as a symbol of Thai Buddhist state oppression, have burned and bombed government schools, harassed and killed teachers, and spread terror among students and their parents. The vast majority of teachers killed have been ethnic Thai Buddhists, and their deaths are often intended as a warning to others. Yet Muslim teachers have not been spared; insurgents have also targeted Muslim teachers at government schools, and Islamic school administrators who resist insurgents' efforts to use classrooms for indoctrination and recruiting. In some areas, insurgents have also pressured Malay Muslim families not to send children to government schools.

The government faces the challenge of protecting children and teachers. Yet in some villages, government security forces have set up long-term military and paramilitary camps or bases in school buildings and on school grounds, interfering with education and student life and potentially attracting attacks as much as deterring them. When security forces have suspected that insurgents are using Islamic schools to hide or shelter, or that insurgents are seeking to indoctrinate school students into their separatist ideology and recruit new supporters and fighters, the government's response has included raids on schools, involving mass arbitrary arrests of students. Some raids have turned violent, endangering students and teachers. Such heavy-handed tactics may succeed in only further alienating the Muslim Malay community from the government.

The result is that students, teachers, and schools are caught in the untenable position of facing a risk of violence from both insurgents and government security forces. As the principal of an Islamic school told Human Rights Watch: "It is very difficult to stay in my position—in the middle.... [I]f you try and stay in the middle, you can become the targets of both sides."

Violations by both sides in the conflict disrupt access to a quality education for hundreds of thousands of children in the southern border provinces—Thai Buddhist and Malay Muslim alike.





“What scares me is the thought that the school could be attacked because the soldiers are at the school, but that students and teachers would be the ones that get hurt... . The school children and teachers could get caught in the middle.”

A NINE-YEAR-OLD STUDENT

Students at Ban Klong Chang Elementary School, Pattani, hang out with a paramilitary Ranger manning a sandbagged guard post in front of the Ranger camp in a corner of the school compound. Approximately 30 Rangers currently live and work in a camp established in the school compound.

INSURGENT ATTACKS ON SCHOOLS

Attacks by separatist insurgents on government schools have become one of the most notorious aspects of the conflict in the southern border provinces. Between January 2004 and August 2010, arsonists made at least 327 attacks on government schools in the three provinces. Many insurgent attacks on schools are motivated by animosity toward the Thai educational system and the easy access to soft, high visibility targets. Some arson attacks on schools are also used to divert government forces into an ambush. In addition, at some schools, insurgents have set off bombs on school grounds to target security forces, damage infrastructure, or simply to generate fear.

Since mid-2007, the number of arson attacks on schools appears to have declined significantly, likely both because the government and local communities have improved its response and insurgents have simply shifted their target choice. However, in the absence of any public declaration by elders and commanders of the separatist movement that attacks on schools must cease entirely, some violence continues, to the great detriment of children seeking an education.

When Human Rights Watch visited Ban Ba Ngo Elementary School in Pattani's Mayo district, where all the students are

Muslim, a pile of books was still smoldering in the school library. Five days earlier, on the last day of the school term, a group of around 15 insurgents stormed the school, broke into classrooms and doused them with gasoline. The insurgents first set alight the library and the kindergarten room, using the books and the kindergarten's sleeping mattresses to fuel the fire. The flames soon spread to adjacent classrooms. A teacher told Human Rights Watch: "I was at home and I heard two gunshots, and when I came out, I saw that the school building was on fire.... I called the fire brigade, the army, and the police. But nobody came. They feared there would be a secondary attack or a roadside ambush.... It took about an hour to convince them to come."

The loss of school buildings disrupts children's access to a quality education, saps scarce school resources, and generates fear among teachers, children, and their parents. Students displaced from their classrooms often meet in crowded tents or other prefabricated units in the school playground. Teachers and students told Human Rights Watch that these temporary teaching conditions cause problems for the children, as they can be crowded and noisy, and in certain weather conditions, overly hot or wet. The impact is often felt beyond the targeted school, as neighboring schools are often temporarily shut down following an attack.



(above) Bullet holes on the inside of the wall of Ban Paka Cinoa Elementary School in Pattani. Paramilitary Rangers based in the school compound came under heavy attack by insurgents using gunfire, improvised explosive devices, and grenades in 2010.

(right) School children inspect the rubble at Ban Payo Elementary School, Pattani, which was set alight in January 2010. A seven-year-old student explained the problems for his studies after the fire: "We had to study outside. I didn't like studying outside ... it's hot and noisy. I couldn't concentrate."

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A teacher and students at Ban Klong Chang Elementary School, Pattani. A local resident told Human Rights Watch that approximately 80 students had left the school after paramilitary Rangers established a base at the school; approximately 90 students remain.



INSURGENT ATTACKS ON TEACHERS

Insurgents have attacked and frequently killed teachers and other education personnel ranging from janitors to school administrators. Between January 2004 and the first week of September 2010, 108 government teachers and an additional 27 education personnel have been killed in the southern border provinces, and another 103 teachers and 19 education personnel have been injured. In the period between January and early September 2010 alone, 14 teachers—10 men and 4 women—were killed. While most of those attacked are ethnic Thai Buddhist, the insurgents have also attacked Malay Muslim teachers who work at government schools or who teach at Islamic schools but resist insurgents' attempts to use the schools for indoctrination or recruitment of students.

A Thai Buddhist who was a former teacher at a government school in a Muslim village described to Human Rights Watch an insurgent attack on her and four colleagues as they left school one day in a pickup truck: “[Our] truck was stopped by a gunman.... I can’t remember how many rounds he shot at the truck. Four of the teachers inside the truck were hit by the bullets.” The attack left the teacher paralyzed from the waist down. “I can’t even sit up by myself now.... I can’t go to the bathroom by myself,” she said. And she missed being a teacher: “I love teaching the children.... I had been teaching for over 30 years in that village.”

Another teacher told Human Rights Watch that insurgents had repeatedly warned him that as a Muslim, he should not be teaching at a government school. Local government security forces had likewise told him to “be careful,” which he took as a threat. An insurgent who came to kill him shot him first in the mouth, shattering his jaw and mutilating his tongue, and then a second time, leaving a bullet lodged in his skull.

The principal of a traditional Islamic school told Human Rights Watch that separatist militants had pressured him to allow indoctrination at his school, and he had received a leaflet warning him not to cooperate with the authorities. At the same time, government officials had called on him to ensure that his school did not become “radicalized” and fall under the influence of separatists. Several months after Human Rights Watch interviewed this principal, insurgents shot him three times in the back, killing him. The principal’s replacement told Human Rights Watch that he had learned a lesson from the assassination: “[We] should not be seen to be too close to the authorities. We won’t turn our back to the state, but we will keep our distance.”



(above) A convoy of teachers, escorted by the army, passes by students as they leave school.

(right) A teacher shows the gun he says he always carries, even when teaching, at Ban Klong Chang Elementary School, Pattani. The teacher said he had narrowly escaped two attacks by insurgents and that he was afraid for his life. Parents and students said teaching quality has decreased due to increased anxiety and security concerns of the teachers. “The teachers are not focusing on the teaching,” one mother said.

Beyond the tragic loss of life caused by attacks on teachers, children seeking an education also suffer. Schools often close for a period following an attack on teachers, and parents will transfer their children to other schools, often at great distance. The general insecurity causes frequent teacher turnover and leads to a generally distracted teaching staff, leading to poorer teaching quality for students.







OCCUPATION OF SCHOOLS BY GOVERNMENT SECURITY FORCES

Government security forces—both the army and paramilitary Rangers—frequently establish bases or camps in school buildings or on school grounds, which disrupts children’s education. The security forces use these bases not as a short-term response to a direct threat on a specific school, but as accommodations and as a long-term presence in a convenient location in particularly unstable areas, often for many years. The result is that students—girls and boys—must try to get an education alongside large numbers of armed men.

At Ban Klong Chang School, in Pattani’s Mayo district, for example, about half of the school’s playing field had been occupied for two years by armed paramilitaries. A nine-year-old girl told Human Rights Watch: “I am scared.... What scares me is the thought that the school could be attacked because the soldiers are at the school, but that students and teachers would be the ones that get hurt.”

An army soldier plays with students at Ban Pakaluesong Elementary School, Pattani. Since November 2006, either army soldiers or paramilitary Rangers have lived in a camp established in the school compound. A local grandmother with six school-aged children told Human Rights Watch that they had all been moved from the school “because my grandchildren were scared of the soldiers.”

A 10-year-old girl at the same school said: “I am afraid of [the soldiers], because the soldiers are very touchy.... And I am not happy when the soldiers ask whether I have any older sisters and ask for their phone numbers.”

School occupations can be extremely disruptive to children’s education. When security forces arrive, a quick exodus of many students often follows, as children transfer elsewhere even at the cost of additional travel time or transportation expenses. Some leave because they are afraid of insurgent attacks, while others leave because they fear harassment.



Those students who remain in occupied schools often feel the quality of their education deteriorates. Parents and children complained to Human Rights Watch that teachers became distracted or neglected their duties because of increased tension from the military presence. Armed men can also create a destructive environment for education: Human Rights Watch received complaints from parents of soldiers drinking, gambling, and taking narcotics on school grounds.

A paramilitary Ranger with groceries walks by students at Pakaluesong Elementary School. About 30 Rangers live in a camp established in the school grounds.



A Royal Thai Army soldier who is part of an armed teachers' escort plays with students at Ban Pakalusong Elementary School, Pattani. Since November 2006, either army or paramilitary soldiers have lived in a camp established in the school compound.

“I don’t want my children to study where there are soldiers. I fear that the presence of the soldiers will bring trouble to the school and ... will bring consequences for the children, including violence.”

A LOCAL MOTHER TOLD HUMAN RIGHTS WATCH WHY SHE REFUSED TO SEND HER FOUR CHILDREN TO THE SCHOOL





A Thai Ranger tidies up a barrack in the compound of Ban Paka Cinoa Elementary School, Pattani. Approximately 25 Rangers from a “Peace and Development” unit are based on the school grounds.

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A bullet hole is visible in the door of a residential hut in a *pondok*, an Islamic school, in Yala. Paramilitary Rangers raided the *pondok* while looking for an insurgent.

GOVERNMENT RAIDS ON ISLAMIC SCHOOLS

The government faces a difficult challenge in responding to separatist indoctrination and recruitment that occurs at a small number of Islamic private schools and also in traditional Islamic schools, known as *pondoks*. In recent years, army and paramilitary Ranger forces have conducted numerous raids and searches for materials or individuals at a number of Islamic private schools and *pondoks*. On some occasions, the government forces have made mass arbitrary arrests of students, or the raids have turned violent, endangering students and teachers.

During a raid at the Saengtham Islam Wittaya *pondok* in October 2009, the security forces arrested around 40 students, including two as young as 10 years old, and took

them to a local military camp for questioning. The school's teachers were not allowed to accompany the students, and their parents were not notified of their detention. All of the students were eventually released, and the search failed to uncover anything illegal or linking the school to the insurgency. "Twenty years of good deeds were ruined by that day," said the principal when asked about the raid's impact on his school's reputation.

Islamic schools are an enormous source of pride and cultural importance for the ethnic Malay Muslim community in Thailand. While some religious teachers have been involved in the insurgency and some Islamic schools have been used for indoctrination and occasionally recruitment, the vast majority of teachers and schools have no connection to the insurgents. Heavy-handed actions by the government, even to protect children from recruitment, may ultimately mainly serve to alienate young people and increase their resentment, which could eventually lead them to join the insurgency. Arrests, even when they do not lead to charges, can cast suspicion on students and can cause them problems at school or with members of their own communities who do not support the insurgents or their tactics.



A helmet sits on a sandbagged wall of the barracks housing 26 soldiers at Ban Samala Elementary School, Ban Samala.

BROADER CONTEXT: THE CONFLICT IN SOUTHERN THAILAND

Since the renewal of the separatist Malay Muslim insurgency in January 2004, more than 4,100 people have been killed, and more than 7,100 have been injured in the southern border provinces. The vast majority of these deaths have been civilians killed by the insurgents.

At the same time, the government's response to the insurgency has included serious and widespread human rights violations against suspected militants and their supporters. State-sanctioned abuses have most clearly been evidenced by the Krue Se (April 28, 2004) and Tak Bai (October 25, 2004) killings. These incidents, along with numerous cases of arbitrary arrests, torture, "disappearances," and extrajudicial killings, have served to fuel and spread the insurgency. Abusive officials in the

southern border provinces have rarely been punished, even in well-documented and high-profile cases. This problem has worsened since the August 2005 enforcement of the Emergency Decree on Public Administration in Emergency Situations ("Emergency Decree"), which effectively provides security personnel and government officials with immunity from criminal, civil, and disciplinary liability.

While insurgent attacks have grown ever more powerful and deadly, the Thai government has become less and less engaged in seeking solutions to the conflict. The recurring political turmoil on the streets of Bangkok between the anti-government United Front for Democracy Against Dictatorship (UDD) and the pro-government People's Alliance for Democracy (PAD)—unrest not specifically related to the conflict in the southern provinces—has divided the country and diverted both national and international attention away from the south. Moreover, the government of Prime Minister Abhisit Vejjajiva, which depends upon military support to maintain power, has little motivation to contest the strategy and practices of the armed forces in the southern border provinces. The result has been increased militarization and reduced civilian oversight and control.





A student at Ban Samala Elementary School, Pattani.
A unit from the army has set up base in part of the
main school building and on the school grounds.
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Key Recommendations

To All Armed Separatist Groups and Fighters:

- Immediately cease all attacks against civilians, regardless of their religion, ethnicity, and profession, including against teachers and other education personnel.
- Immediately cease all attacks against civilian objects, including schools.
- Immediately cease all recruitment and use of individuals under 18 years old.

To the Thai Government:

- Prohibit the security forces from using school buildings or school grounds for camps, outposts, or bases, where it would interfere with children's right to education under Thai and international law.
- Promptly form an Inter-Ministerial Working Group, including appropriately delegated representatives of the Ministry of Education, the Ministry of the Interior, the Ministry of Defense, the Ministry of Labor and Social Welfare, provincial child protection committees, and the National Human Rights Commission, to investigate what additional services occupied schools and their students may require to address the disruption to their education, and take appropriate action.
- Ensure rapid response systems are prepared and adequate, so that when attacks occur, schools are quickly repaired or rebuilt, and destroyed educational material is replaced. During reconstruction, students should continue their education at an alternative place or in an alternative way and, where appropriate, receive psychosocial support.
- Issue a decree clarifying that provisions of the Act for the Establishment of and Procedure for Juvenile and Family Court and sections pertaining to the arrest, detention, and trial of children in the Criminal Procedure Code remain in effect under a state of emergency.

Methodology

Human Rights Watch conducted research for this report in the southern provinces of Narathiwat, Pattani, Yala, and in Bangkok, during March, April, and August 2010. The report also draws upon additional research carried out in Thailand since 2007.

Human Rights Watch interviewed over 90 people, including 15 children ages 8 to 17, and visited 19 schools in the southern border provinces. We interviewed parents, teachers, school principals, village officials, religious leaders, members of government security forces, government officials, current and former members of the insurgency, and members of local and international nongovernmental organizations. Interviews were conducted either directly in English or Thai, or in Malayu (Jawi) and Thai through the use of an interpreter. No one interviewed received compensation for providing information.

Pseudonyms are used for all children quoted in this report. In many cases, adult interviewees requested that we not use their names because of security considerations or because they are government employees. All uses of pseudonyms are indicated by the use of an abbreviated second name—for example Poh N.—in the footnotes and text. Pseudonyms may not match the religion of the interviewee. In order to protect the anonymity of some individuals, general forms of identification, such as simply, “a local resident,” may be used instead of more specific titles.

The word “child” is used in this report to refer to anyone under the age of 18. The Convention on the Rights of the Child states in Article 1, “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Thailand’s Child Protection Act of 2003 (B.E. 2546) also defines a child as a person below 18 years of age.

I. International Legal Standards

To the extent that the hostilities in southern Thailand amount to a situation of armed conflict, international humanitarian law, or the laws of war, applies. Insurgency is not in itself a violation of international humanitarian law, and the laws of war do not prohibit attacks on legitimate military targets (though such attacks violate Thai domestic law).¹ Yet the laws of war restrict the means and methods of warfare by all parties to an armed conflict and impose upon them a duty to protect civilians and wounded and captured combatants.² This body of law applies both to regular armies and non-state armed groups.

A fundamental principle of the laws of war is the distinction between civilians and military objectives, and the clear stipulation that attacks may only be directed at military objectives.³ Civilians are defined as persons who are not members of the armed forces.⁴ They are only military objectives when and for such time as they are directly participating in hostilities. Where there is doubt as to whether a person is a civilian or a combatant, that person must be considered a civilian.⁵

All civilians, regardless of ethnicity or religion, are protected from attack. These include students, teachers, and school administrators at government schools, as well as civilian government officials not directly involved in the war effort.⁶ Acts or threats of violence whose primary purpose is to spread terror among the civilian population are prohibited.⁷ This would include attacks and threats intended to drive or keep away students and teachers from school.

¹ Insurgent attacks constitute violations of Thai criminal law, such as murder (Penal Code of Thailand, sec. 288), and destruction of property by arson or the use of explosives (secs. 218-224, and 335).

² For a discussion of the applicability of international humanitarian law to non-state armed groups, see International Committee of the Red Cross (ICRC), Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press 2005), pp. 497-98.

³ *Ibid.*, rule 1, citing Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977, arts. 48 and 51(2); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of 8 June 1977, art. 13(2).

⁴ ICRC, *Customary International Humanitarian Law*, rule 5, citing Protocol I, art. 50.

⁵ See Protocol I, art. 50(1); ICRC, *Customary International Humanitarian Law*, rule 16 ("Each party to the conflict must do everything feasible to verify that targets are military objectives"), citing Protocol I, art. 57(2)(a); 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property, art. 7.

⁶ ICRC, *Customary International Humanitarian Law*, rules 7 and 9, citing various treaties and other evidence of state practice.

⁷ *Ibid.*, rule 2, citing Protocol II, art. 13(2).

International humanitarian law also forbids attacks directed at civilian objects, such as homes, schools, and temples and mosques.⁸ Civilian objects only become valid military objectives when being used by armed forces for military purposes. When the Thai security forces use schools as bases for extended periods, they are turning them into military objectives subject to attack. In such instances, they have an obligation to take all feasible precautions to protect civilians from attack and to remove them from the vicinity.⁹ It places civilians at unnecessary risk to use a school simultaneously as an armed stronghold and as an educational center. When the security forces' extended use of a school harms children's ability to receive an education, this constitutes a violation of the child's right to an education guaranteed under international human rights law.¹⁰

International humanitarian law also provides that children are entitled to special respect and attention.¹¹ This is reflected in the Convention on the Rights of the Child, which requires states to "take all feasible measures to ensure protection and care of children who are affected by an armed conflict."¹²

⁸ ICRC, *Customary International Humanitarian Law*, chapters 1 and 2, citing, for example, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (adopted June 8 1977, and entered into force December 7, 1978), art. 13. See also Protocol I, art. 52(3) on the general protection of civilian objects: "In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used."

⁹ See ICRC, *Customary International Humanitarian Law*, rule 22, citing Protocol I, art. 58(c); and rule 24, citing Protocol I, art. 58(a).

¹⁰ See Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 28(a), acceded to by Thailand on March 27, 1992; International Covenant on Economic, Social, and Cultural Rights (ICESCR), adopted December 6, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3 1976, acceded to by Thailand Sept. 5, 1999.

¹¹ See ICRC, *International Humanitarian Law*, rule 135, citing Protocol II, art. 4(3).

¹² Convention on the Rights of the Child (CRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990, art. 38. Thailand ratified the CRC in 1992.

II. Background

Ongoing Insurgency in Thailand's Southern Border Provinces

Pattani, Yala, and Narathiwat are Thailand's southernmost provinces, the latter two of which border Malaysia. Along with nearby Satun province, they constitute Thailand's only provinces where a majority of residents is ethnic Malay and Muslim rather than ethnic Thai and Buddhist. Many Muslim residents in these provinces speak Pattani Malay, also known as Jawi, as their first language.

For more than a century Thailand's southern border provinces have been the site of intermittent separatist activity rooted in the distinctive religious, ethnic, linguistic, cultural, and historical identities and practices of the region. National government authorities have attempted to suppress and assimilate those differences with measures such as altering administrative structures and asserting centralized control over Islamic education and practices.¹³ Yet national authorities have also shown longstanding indifference to the economy, the standard of living, and the rule of law and justice in the southern region. This has led many ethnic Malay Muslims to feel alienated from and resentful of the central Thai government. It has provided the context for resistance and insurgency based largely on three foundations—belief in the traditional virtues and greatness of the *Patani Darulsalam* (Islamic Land of Patani), Malay ethnic identification, and religious orientation based on Islam.¹⁴

The current hostilities are frequently traced to January 4, 2004, when early in the morning, more than 50 armed men stormed the weapon depot of the Fourth Engineering Battalion at the Narathiwat Rajanakarin Camp and took a large cache of assault rifles, machine guns, rocket launchers, pistols, rocket-propelled grenades and other weapons and ammunition. The attackers killed four soldiers who were ethnic Thai Buddhist, while they rounded up soldiers who were ethnic Malay Muslim and told them to recite the *shahada*—an Islamic

¹³ For a description of the history of government attempts to control Islamic education in southern Thailand, see Joseph Chinyong Liow, *Islam, Education and Reform in Southern Thailand: Tradition & Transformation*, Institute of Southeast Asian Studies, 2009, pp. 12-47.

¹⁴ For discussions on the history of separatism in the southern border provinces, see: Surin Pitsuwan, *Islam and Malay Nationalism: A case study of the Malay-Muslims of Southern Thailand* (Bangkok: Thai Khadi Research Institute, 1985); Uthai Dulyakasem, "Muslim Malay in southern Thailand: Factors underlying the political revolt," in Lim Joo Jock and Vani S, eds., *Armed Separatism in Southeast Asia* (Singapore: Institute of Southeast Asian Studies Regional Strategic Studies Program, 1984), pp. 220-222; Thanet Aphornsuvan, "Origins of Malay-Muslim 'separatism' in southern Thailand," Asia Research Institute Working Paper No. 32, 2005; Supara Janchitfa, *Violence in the Mist* (Bangkok: Kobfai, 2005), pp. 273-274.

profession of faith to reaffirm their conviction as Muslims—and leave the army.¹⁵ One militant reportedly shouted, “*Patani Merdeka!*” (“Free Patani!”).¹⁶ Elsewhere in Narathiwat, militants simultaneously set fire to 20 schools and 3 police posts. The next day, several explosions rocked the neighboring province of Pattani. Within a week, it appeared that the Thai government was not in a position to stop a new wave of shootings, bombings, and arson attacks throughout the southern border provinces.

The government responded with a massive mobilization of security forces to the southern border provinces and, on January 5, 2004, by imposing martial law throughout Pattani, Yala, and Narathiwat. Soldiers and police were authorized to search and arrest suspected militants without a judicial warrant. Suspects arrested under martial law could be detained for up to seven days without charge.

In July 2005, then Prime Minister Thaksin Shinawatra issued an Executive Decree on Government Administration in Emergency Situations. The decree, which was later ratified by the parliament, undermined or revoked many key safeguards against human rights abuses: it authorized the arrest and detention of suspects without charge, restricted their movement and communication, censored the media, and provided effective immunity to government officials and security personnel implicated in abuses. The decree remained in force at the time of writing across all three provinces, and is renewed as required every three months.

Various security forces under government control are active in the south: the local police; the military, including the army and marine corps; the army’s paramilitary unit, known as the Rangers (Thaharn Pran); the Ministry of Interior’s paramilitary force, the Volunteer Defense Corps (Or Sor); the civilian militia force, the Village Defense Volunteers (Chor Ror Bor); and the ethnic Thai Buddhist civilian militia of the Village Protection Force (Or Ror Bor).

The current separatist militants consist of many different groups. The BRN-Coordinate (*Barisan Revolusi Nasional-Koordinas*, or National Revolution Front-Coordinate), has often been identified as a key organization. However, other elements and decentralized groups within the insurgency are more loosely connected to this network, and are themselves in various states of cohesion and organization. Village-based separatist militants in this loose network of BRN-Coordinate call themselves *Pejuang Kemerdekaan Patani* (Patani Freedom Fighters), and are also often referred to in short by ethnic Malay Muslims as *pejuang*, or

¹⁵ For detailed accounts of the raid, see Supalak Ganjanakhundee and Don Pathan, *Peace on Fire* (สันติภาพในเปลวเพลิง) (Bangkok: Nation Books, 2004), pp. 16-30.

¹⁶ Ibid.

fighters. Well-trained separatist militants from the *Pejuang Kemerdekaan Patani* form commando guerilla units known as *Runda Kumpulan Kecil* (Small Patrol Group or RKK).

The decision to target civilians and carry out indiscriminate attacks appears to have caused a deep split between the older and younger generations of militant leaders. Many elders from older separatist groups such as Pattani United Liberation Organization (PULO), which was established in 1968 to fight for the creation of an independent Islamic state, have told Human Rights Watch that they are appalled at the level of violence and at the attacks directed against civilians.¹⁷

Militants have targeted government officials, ethnic Thai Buddhist civilians and monks, and local Muslims suspected of collaborating with Thai government authorities. In addition to deliberately attacking specific individuals, militants have also carried out a broad campaign of violence and fear by bombing crowded markets and other civilian centers, such as commercial banks, restaurants, department stores, and hotels. Their attacks have killed or wounded civilians who were simply going about their daily activities, including commuting to work, picking up children from school, herding cattle, buying food in a market, and eating in a restaurant.¹⁸ From January 2004 to August 2010, militant attacks have resulted in more than 4,100 deaths and injuries to more than 7,100 people.¹⁹ Civilian casualties constitute the vast majority of these totals.

These attacks on civilians appear to be designed to pressure and discredit the Thai government, instill fear among civilians (ethnic Thai Buddhists and Malay Muslims alike), avenge perceived wrongdoings by government officials and security forces, discourage

¹⁷ A retired senior commander of PULO who is still in contact with other members of the previous generation of separatist militants told Human Rights Watch: “They call themselves fighters and are very ruthless with what they are doing.... I am still very much a[n ethnic Malay Muslim] nationalist and still dream of a free Patani Darulsalam [Islamic Land of Pattani]. I will never hesitate to take up arms to fight again. But not like this, not the way this generation is conducting it. It seems like they are just killing for killing’s sake—creating fear to increase their power and control our people [ethnic Malay Muslims]. We did not kill monks or innocent Buddhist Thai civilians. Buddhist temples and school teachers were off limits. If anyone in my unit was caught violating these rules by harming innocent people or attacking unjustifiable targets, they would be investigated and punished by our council of elders.... Many of these young men receive no real guidance from knowledgeable elders, and often they take matters into their own hands.” Human Rights Watch interview with Poh M., Narathiwat, July 20, 2006. Another former PULO local commander, speaking strongly against the current campaign of killing Buddhist Thai civilians, told Human Rights Watch: “It is not our duty to call them infidels simply because they are Buddhist Thais. Only God knows who is truly a rejecter [of Islam]. We are not in a position to judge them and sentence them to death. Most of them are good people who live with us in the same village for many decades with courtesy and friendship.... Our children grew up playing with their children. But now our children are killing them and burning their houses. Those fighters attacked and killed Buddhist monks. That never happened when I was still fighting in the jungle. Buddhist monks are men of religion and cannot be harmed.” Human Rights Watch interview with Bor H., Pattani, December 26, 2006.

¹⁸ In an August 2007 report, “No One is Safe,” Human Rights Watch detailed the human rights abuses committed against civilians by the separatist militants.

¹⁹ “8,000 attacks in past six years,” *Bangkok Post*, August 26, 2010.

ethnic Malay Muslims from supporting the Thai authorities, divert government resources from military tasks, impede the delivery of public services, and provoke a heavy-handed government response, which in turn helps insurgents' recruiting efforts.

The government has frequently responded to the insurgency with force, with little regard for ensuring the safety of civilians or protecting basic rights.²⁰ At the outset, most security personnel sent to the southern border provinces were trained in rudimentary conventional combat, and lacked any understanding of counterinsurgency tactics or of the ethno-religious complexity of the situation. After a military coup in September 2006 removed Thaksin from power, the security forces adopted more effective counterinsurgency tactics, and improved intelligence gathering and analysis, which contributed to militarily successful sweeps of insurgent strongholds and major disruptions of insurgent operations. The security forces were able to identify many insurgent leaders, commanders, and members of village-level cells, together with their supporters. Some of them have been arrested, while others have been killed.

However, the security forces' tactical successes have been seriously undermined by their ongoing abuses and lack of accountability. The rules of engagement have yet to be properly and effectively spelled out to the troops, leaving some of them with a conviction that security laws have licensed them with special powers to resort to extrajudicial measures and excessive force in non-combat situations. Abusive officials in the southern border provinces have rarely been punished, even in well-documented and high-profile cases.

Separatist militants have often sought to justify their violent actions as retribution for state-sponsored abuses and the prevailing culture of impunity. They have particularly cited the infamous incidents at Krue Se Mosque and at Tak Bai. In the first case, militants had taken over Pattani's historic mosque, and on April 28, 2004, security forces attacked and killed all 32 men inside, despite a clear government order to end the standoff through peaceful means.²¹ In the second case, on October 25, 2004, security forces in Narathiwat's Tak Bai

²⁰ Human Rights Watch documented one aspect of the government's abusive security operations in the south in a March 2007 report, *It Was Like Suddenly My Son No Longer Existed*, which detailed a pattern of enforced disappearances and other illegal measures by the security forces.

²¹ On April 28, 2004, more than 100 militants conducted 11 coordinated attacks on government buildings and security installations in Pattani, Yala, and Songkhla. The attacks culminated in a siege of the historic Krue Se Mosque in Pattani. By 6 a.m., Thai security forces began to encircle the mosque. Countermanding General Chavalit's instructions to exhaust all means of negotiation, General Panlop Pinmanee, deputy director of the Internal Security Operations Command, ordered his troops to seize the mosque by force at 2 p.m. The resulting death toll included all 32 men who were inside. In July 2004, the government-appointed commission of inquiry concluded that if the security forces had laid siege to the mosque and surrounded it, and also negotiated with the men inside, the militants might ultimately have surrendered. However, the government has yet to initiate criminal investigations of the event. For details of the incident, see "Final Report of the Government-Appointed Independent Commission of Enquiry into the Facts about the Krue Se Mosque Case," July 26, 2004.

district were responsible for the deaths of at least 86 demonstrators, most of whom suffocated after being loaded into the backs of trucks to be transported to army camps many kilometers away.²²

Government security forces commit abuses with impunity. The army and police have not pursued any criminal prosecutions against members of their forces implicated in criminal offenses relating to the conflict. Similarly, the Justice Ministry's Department of Special Investigation and the National Human Rights Commission—charged with investigating extrajudicial killings and other human rights violations—have consistently failed to carry out full and impartial investigations. This has fed the belief among many ethnic Malay Muslims that the government will not provide them justice for abuses. This perception has been reinforced by the government's successive renewals of the Emergency Decree of 2005, which provides security personnel and government officials with effective immunity from criminal, civil, and disciplinary liability.²³

²² On October 25, 2004, during the Muslim fasting month of Ramadan, the security forces used violence, including water cannons, tear gas, batons, and live bullets, to disperse demonstrators in front of Tak Bai district police station in Narathiwat. Seven protesters died from gunshot wounds to the head. Around 1,300 men were arrested and loaded into army trucks to be taken to Inkayuth Camp in Pattani for questioning—many were kicked and hit with batons and rifle butts as they lay face down on the ground waiting, with their hands tied behind their backs. They were then stacked up to five or six layers deep in trucks and prohibited from moving or making noise. When the trucks arrived at Inkayuth Camp, 78 detainees were found suffocated or crushed to death. For details of the incident, see "Final Report of the Government-Appointed Independent Fact-Finding Commission on the Fatal Incident in Tak Bai District, Narathivat Province," December 17, 2004.

²³ Human Rights Watch has repeatedly voiced concerns that the Emergency Decree provides a range of special powers that limit or wholly suspend various fundamental human rights guaranteed under the International Covenant on Civil and Political Rights (ICCPR), the Constitution of Thailand, and Thai law. One of the most controversial powers under the Emergency Decree is its extended arrest and detention provisions. We are alarmed that the government is systematically using the Emergency Decree to hold persons without charge for up to 30 days in unofficial places of detention. The Emergency Decree removes the right to challenge a detention before a court (*habeas corpus*). Moreover, the Emergency Decree fails to provide sufficient and effective oversight to prevent abuse and mistreatment. Unlike Thailand's Criminal Procedure Code, the Emergency Decree provides no assurance of prompt access to legal counsel and family members, or effective judicial and administrative safeguards against the mistreatment of detainees, as required by international law. Human Rights Watch has found that the risk of abuse significantly increases when detainees are held incommunicado in unofficial locations and under the control of security personnel who often lack training and experience in civilian law enforcement.

Human Rights Watch is also concerned about the broad-based immunity provisions in the Emergency Decree. Even during a declared state of emergency, victims of human rights violations should have an effective way to challenge limitations of their human rights and freedoms before an independent judicial authority. However, Section 17 of the Emergency Decree provides unnecessarily expanded immunity from criminal, civil, and disciplinary liability for officials acting under the emergency powers. The decree places the burden on the complainant to prove that the officials have not acted in a "good faith, nondiscriminatory," and reasonable" manner. This immunity flies in the face of many government pronouncements that a demonstrable commitment to end abuse and impunity by holding all perpetrators accountable, regardless of their positions and affiliations, is critical for building peace and political reconciliation in Thailand.

Article 4 of the ICCPR provides that during a time of public emergency that "threatens the life of the nation" and that is officially proclaimed, certain rights may be circumscribed "to the extent strictly required by the exigencies of the situation." According to the United Nations Human Rights Committee, the expert body that monitors state compliance with the ICCPR, any measures that circumscribe rights must reflect the duration, geographical coverage, and scope of the state of emergency and be proportional to the threat. Further, such key provisions of the ICCPR as the rights to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, and freedom of thought, conscience, and religion, may in no circumstances be circumscribed. Arbitrary deprivations of liberty or deviations from the fundamental principles of a fair trial, including the presumption of innocence, are also not permitted.

For many ethnic Malay Muslims, a growing frustration over the lack of mechanisms for government accountability for abuses has been compounded by the large military presence in the south. More than six years after the opening salvo in the most recent round of attacks, hostilities between the militants and government forces are as high as ever, and insurgent bombs are only becoming more sophisticated, powerful and destructive.

At the same time, the Thai government has become less engaged in seeking solutions to the conflict. The mayor of Pattani commented: “People in the deep south are now feeling that their unrest problem had been forgotten by the government.”²⁴ The recurring political turmoil between the anti-government United Front for Democracy Against Dictatorship (UDD) and the pro-government People’s Alliance for Democracy (PAD)—unrest not specifically related to the conflict in the southern provinces—has divided the country and diverted national and international attention from the south. Moreover, the government of Prime Minister Abhisit Vejjajiva, which depends upon military support to maintain power, has little motivation to contest the strategy and practices of the armed forces in the southern border provinces.²⁵

Education in Thailand’s Southern Border Provinces

The Thai government faces a number of educational challenges in southern Thailand, in addition to the barriers the conflict presents. The government needs to find space for Malay Muslim identity in the state education curriculum and schools, and address the inferior quality of educational facilities, opportunities, and outcomes for graduates of private Islamic schools in comparison with the graduates of government schools.

Thailand has made a strong commitment to ensuring the right to education for its children. Under Thailand’s 2007 Constitution, every individual has the right to receive 12 years of “quality” education for free.²⁶ Moreover, under the National Education Act, children must attend nine years of compulsory education.²⁷ Thailand’s constitution also stresses that the poor and the disabled have an equal right to receive basic education.²⁸ Thailand’s Civil Code

²⁴ Pithak Korkiatpithak, mayor of Pattani, quoted in “Govt forgets unrest problems in South,” Bangkok Post, August 21, 2010.

²⁵ See also, International Crisis Group, “Southern Thailand: Moving towards Political Solutions?,” Asia Report No. 181, December 8, 2009.

²⁶ Constitution of the Kingdom of Thailand B.E. 2550 (2007), sec. 49(1): “A person shall enjoy an equal right to receive education for the duration of not less than twelve years which shall be provided by State thoroughly, up to the quality, and without charge.” For an enumeration of the right to education under earlier Constitutions of Thailand, please see Appendix 1.

²⁷ National Education Act of 1999, secs. 10 & 17.

²⁸ Constitution of the Kingdom of Thailand B.E. 2550 (2007), sec. 49(2): “The indigent, disabled or handicapped, or destitute person shall enjoy an equal right under paragraph one and shall be supported by State to receive equal education with other persons.

provides that “[p]arents are bound to maintain their children and to provide proper education for them.”²⁹

Above and beyond the government’s commitment to provide 12 years of free quality education, the state also commits in the Constitution to provide all “appropriate protection and promotion” of education “provided by professional or private organizations, alternative education of the public, self-directed learning and lifelong learning.”³⁰ The Thai Constitution guarantees both teachers and students academic freedom, “provided that it is not contrary to ... civic duties or good morals.”³¹

Despite these protections under the law, educational outcomes for children in Thailand’s south have historically been poor. Although Muslim students graduate in high numbers, few Malay Muslim students earn places in Thai universities. Many do not emerge from school adequately prepared to compete in the country’s modern job market.³²

In March 2005, Prime Minister Thaksin established a 48-member National Reconciliation Commission so that “persons from various parts of society may pool their mental and physical energies to find a long-term solution to the problem [in the south], in order to bring about true reconciliation, peace and justice.”³³ The Commission’s report, delivered in May 2006, identified the low quality of education as one of the structural causes of the conflict, and provided 16 recommendations to the government aimed at maintaining diversity in the educational system and improving the quality of general education.³⁴ Many of these recommendations remain important guides for future improvements.

²⁹ Civil Code, sec. 1564.

³⁰ Constitution of the Kingdom of Thailand B.E. 2550 (2007), sec. 49(3): “The education and training provided by professional or private organizations, alternative education of the public, self-directed learning and lifelong learning shall get appropriate protection and promotion from State.” See also the protections afforded under the Promotion of Non-Formal and Informal Education Act, B.E. 2551 (2008), sec. 5: “For the benefit of promoting and supporting education, non-formal and informal education shall be provided to persons extensively and in accordance with the standards under the law on national education. A person, whether or not having received basic education, shall have the right to receive education in the form of non-formal or informal education, as the case may be, in accordance with the process and proceedings as provided in this Act.”

³¹ Constitution of the Kingdom of Thailand B.E. 2550 (2007), sec. 50: “A person shall enjoy academic freedom. Education and training, learning and teaching, research and disseminating of research according to academic principles shall be protected; provided that it is not contrary to his civic duties or good morals.”

³² “Report of the National Reconciliation Commission: Overcoming Violence through the Power of Reconciliation,” May 2006. Available at http://thailand.ahrchk.net/docs/nrc_report_en.pdf; Joseph Chinyong Liow, *Islam, Education and Reform in Southern Thailand: Tradition & Transformation*, Institute of Southeast Asian Studies, 2009; Asia Foundation, “Improving Private Islamic Education in Thailand,” April 2008.

³³ Prime Minister’s Office Order No. 104/2548, March 28, 2005.

³⁴ “Report of the National Reconciliation Commission: Overcoming violence through the power of reconciliation,” May 2006. Available at http://thailand.ahrchk.net/docs/nrc_report_en.pdf.

There are four main categories of educational institutions available for children in the southern border provinces:

Government schools are run in accordance with national standards and use the same curriculum as all other government schools in Thailand. Such schools offer religious education for two hours per week, and children in the south can attend either Buddhist studies or Islamic studies, depending upon their religion.

Many Muslims choose to send their children to government schools because of their quality. A teacher at a government school whose students are 70 percent Muslim students and 30 percent Buddhist explained why Muslim parents send their children to her school:

In terms of teaching quality, this is the best school in the village. We have computers here and the teaching curriculum is very strong. We always have donations for school equipment, like photocopying machines, which are rare around here. There are many students from Islamic schools who chose to change and come here. On Fridays we have religious classes, and the Buddhist students go to the temple and for the Muslim children, an imam comes.³⁵

Yet some parents consider only two hours of religious studies to be insufficient. One father told Human Rights Watch simply: “It’s not enough.”³⁶

The second type of institution is a *private Islamic school* available for secondary school children. These schools teach both Islamic religious courses and traditional state education coursework. The government certifies these schools and graduating students can continue to higher education.

These schools offer the national curriculum in the mornings and three to four hours of religious instruction in the afternoon. Students at Islamic schools therefore study for at least 10 hours more per week than their compatriots in government schools. Although the government subsidizes these schools, their facilities tend to be inferior to those at government schools. According to the Asia Foundation, which funds a project to improve the private Islamic educational system in Thailand, financial constraints limit the ability of most

³⁵ Human Rights Watch interview with Kessarín W., teacher, location and date withheld, 2010.

³⁶ Human Rights Watch interview with Sasudeng Z., father, Muang district, Pattani, March 30, 2010.

private Islamic schools to create standardized lesson plans and limit the ability of their teachers ability to engage with the government curriculum.³⁷

A mother of six explained to Human Rights Watch that she believed that an Islamic private school can provide an important religious grounding for her children: “It offers the same opportunities, but even better, because it gives students a good understanding of Islam and after that, the children can choose their own path—whether to pursue further education or continue their lives. But they have a good understanding of Islam in their life.”³⁸

Traditional Islamic pondok schools (also known locally as *ponoh* schools), another form of private Islamic school, offer a third type of education. *Pondoks* teach only Islamic religious courses and tend to be predominately residential schools. Students can range in age up to adults. With a long history and tradition in the Islamic world, Thailand’s *pondok* schools play an important role in the cultural and religious identity of the south. The government attempts to register but does not certify these schools, and students from these schools cannot continue to Thai higher education. Some registered *pondoks*, however, offer students the option to take additional classes, often in the evening, in the standard national curriculum, allowing students who complete the extra courses to obtain a national certification.

Because *pondoks* were not required to register until 2004, their exact number remains unknown, and may be as high as 1,000. Registered *pondoks* receive government funding based on the number of enrolled students. A principal at one *pondok* noted a trend since the uptake of the insurgency for *pondoks* to register in an effort to “protect themselves” from invasive scrutiny or harassment by the government.³⁹

The fourth education offering is *tadika*, available to children in grades 1 to 6, an after-school religious course that generally takes place in a mosque. These courses are overseen by the Ministry of Education.

³⁷ Asia Foundation, “Improving Private Islamic Education in Thailand,” April 2008.

³⁸ Human Rights Watch interview with Hanisah K., parent, Muang district, Pattani, March 27, 2009.

³⁹ Human Rights Watch interview with principal, Sengtham Islam Witya school, Bacho district, Narathiwat, March 31, 2010.

Educational Institutions in Southern Thailand⁴⁰

	Pattani	Yala	Narathiwat
Public schools	363	259	380
Private schools with general education and Islamic education	69	44	48
<i>Pondoks</i> , private schools with only Islamic education	230	109	52
<i>Tadika</i>	624	411	605

Bilingual Intercultural Education under International Human Rights Law

One crucial and contentious education policy issue facing the Thai government is the need to enable Malay Muslims to access education in their own language, acknowledging their own cultural identity while still ensuring that they become sufficiently functional in the Thai language to participate in national job and tertiary education markets.

International human rights law emphasizes that education should be directed at the development of respect for a child's own cultural identity, language, and values, as well as for the national values of the country in which the child lives.⁴¹ Recognizing a potential tension between these goals, the Committee on the Rights of the Child, an international expert body that oversees the implementation of the Convention on the Rights of the Child, has explained that "part of the importance of this provision lies precisely in its recognition of the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference."⁴²

⁴⁰ Email to Human Rights Watch from Ministry of Education staff, June 20, 2010.

⁴¹ See Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990. Thailand acceded to the CRC on March 27, 1992. Article 29 of the CRC states that education should be directed at the following fundamental purposes: "(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment." See generally Committee on the Rights of the Child, General Comment No. 1, CRC/GC/2001/1(2001).

⁴² Committee on the Rights of the Child, General Comment No. 1, para. 4.

Children have a right to use their first language.⁴³ Although this does not necessarily entail a right to be taught entirely in that language at school, it does support the idea that children should at least be taught to speak, read, and write their own first language in school.⁴⁴ However, teaching only children's first language, without promoting fluency in the majority language, may disadvantage graduates who attempt to seek employment and higher educational opportunities and participate in civil and political discourse. States may therefore also have a duty to guarantee that the quality of the instruction of the majority language to children belonging to minority groups is sufficient to ensure they can participate in broader society on equal footing with children from the majority language groups.⁴⁵

⁴³ CRC, art. 30: "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her culture, to profess and practice his or her own religion, or to use his or her own language."

⁴⁴ See Committee on the Rights of the Child, "Concluding Observations: Myanmar," CRC/C/15/Add.69 (1997), para. 39: "The Committee ... recommends that the State Party allocate resources to translate school materials into minority languages with the objective to encourage, in the appropriate regions, schools and teachers to provide education in minority languages"; Committee on the Rights of the Child, "Concluding Observations: Paraguay," CRC/C/15/Add.75 (1997), para. 3: "The Committee ... welcomes the provision in the 1992 Constitution that in the early years of schooling teaching shall be in the student's native language," and para. 46: "The Committee recommends that the authorities take all appropriate measures to guarantee the full implementation of the right of the child to be educated in his/her language;" and Committee on the Rights of the Child, "Concluding Observations: United Kingdom," CRC/C/15/Add.34 (1995) para. 33: "The Committee also suggests that the State Party provide further support to the teaching of the Irish language in schools in Northern Ireland."

⁴⁵ See Committee on the Rights of the Child, "Concluding Observations: Estonia," CRC/C/15/Add.196 (2003), para. 53: "Guarantee the quality of instruction of the Estonian language to children belonging to minority groups so as to ensure that minority-language-speaking children can participate on a more equal level with Estonian-speaking children, in particular at higher education levels"; and Committee on the Rights of the Child, "Concluding Observations: China," CRC/C/15/Add.56 (1996), para. 19: "[In] the Tibet Autonomous Region ... insufficient efforts have been made to develop a bilingual education system which would include adequate teaching in Chinese. These shortcomings may disadvantage Tibetan and other minority pupils applying to secondary and higher level schools," and para. 40: "[The Committee suggests] that a review be undertaken of measures to ensure that children in the Tibet Autonomous Region and other minority areas are guaranteed full opportunities to develop knowledge about their own language and culture as well as to learn the Chinese language. Steps should be taken to protect these children from discrimination and to ensure their access to higher education on an equal footing."

III. Attacks and Threats on Teachers

Southern Thailand is one of the most dangerous places in the world to be a teacher. Not only have teachers been targeted and killed; school administrators, janitors, and school bus drivers, have also died in insurgent attacks.⁴⁶ In the southern border provinces between January 2004 and the first week of September 2010, at least 108 government teachers and another 27 education personnel were killed in suspected insurgent attacks.⁴⁷ During the period between January and the first week of September 2010, 14 teachers—10 men and 4 women—have been killed.⁴⁸ Other teachers have survived ambushes or attempted assassinations; at least another 103 government teachers and 19 education personnel have been injured since January 2004.⁴⁹ The result is that thousands of teachers live in daily fear. Many have requested transfers from the government to teaching positions outside of the south, and some are willing to accept the financial risk of not finding another permanent position in order to move.

The vast majority of teachers killed are ethnic Thai Buddhists working at government schools. Yet Muslim teachers have not been spared. Ethnic Malay Muslim teachers who work at government schools, and Muslim teachers who work at Islamic schools but who are seen as being either too pro-government or insufficiently pro-insurgency, have also come under threat.

⁴⁶ For example, on January 22, 2008, Akadej Juruyere, a janitor at Ban Bangopulo School in Narathiwat's Rusoh district was killed by a gunman who grabbed him as he left a teashop and shot him dead. "Spate of killings sours VIP tour to the far South," *The Nation* (Thailand), January 23, 2008. On February 9, 2008, Muso Laoya, a janitor of Ban Sakhu School, was killed in a drive-by shooting. "Thailand: Three killed in separate drive-by shootings in Yala," BBC Monitoring Asia Pacific, February 9, 2008. On July 23, 2008, Somnuek Tanomklai, a school bus driver, was shot dead by a man on a motorbike on his way to pick up students in Saiburi district, Pattani. "Three killed, two hurt in Thai south as army warns of attacks," AFP, July 24, 2008. "Southern Violence: Two soldiers on foot patrol hurt in blast," *Bangkok Post*, July 24, 2008. On September 8, 2008, a 58-year old Thai Buddhist janitor was killed on his way to work at a school in Pattani province. "Two dead, two injured in Thailand's restive south," AFP, September 8, 2008. Asmi Kudeng, a school janitor was shot dead on his way to work in Tambon Krong Pinang, Yala on November 4, 2008. "Four more killed in Thailand's bomb-hit south: police," AFP, November 4, 2008. Prom Vichienrat, a janitor at a Saiburi school in Pattani was shot dead on his way to work on June 15, 2009. "School janitor killed in far South," *Bangkok Post*, June 15, 2009. Suspected insurgents shot dead Mama Mina, a Malay Muslim school bus driver on his way to pick up schoolchildren in Nong Chik district, Pattani, on November 17, 2009. "Driver slain in front of kids," *Bangkok Post*, November 18, 2009. Mahama Salae, the janitor of Ban Chamao Samton School in Pattani's Sai Buri district was shot three times and killed at the school's date. "School janitor, villager killed in Pattani," *Bangkok Post*, September 7, 2010.

⁴⁷ Human Rights Watch telephone interview with Bunsom Thongsriprai, chair of the Southern Border Provinces Teacher Federation, September 7, 2010; see also "Teachers Killed in Restive Southern Thailand," Associated Press, September 8, 2010.

⁴⁸ Human Rights Watch telephone interview with Bunsom Thongsriprai, chair of the Southern Border Provinces Teacher Federation, September 7, 2010.

⁴⁹ Human Rights Watch telephone interview with Bunsom Thongsriprai, chair of the Southern Border Provinces Teacher Federation, September 7, 2010; see also "Teachers Killed in Restive Southern Thailand," Associated Press, September 8, 2010.

In the cases investigated by Human Rights Watch, insurgents typically conducted attacks by targeting individual teachers or by firing on groups or convoys containing school personnel on their way to or from school. Attacks are usually carried out with handguns, but military rifles have been used. The perpetrators frequently use motorbikes to quickly arrive at and depart from the murder scene.

Case Study: Attack on Teachers at a Government School

Lawan S., an ethnic Thai Buddhist teacher, told Human Rights Watch about a 2006 attack by a gunman on her and four colleagues at a government school in a Muslim village:

School ended around 3 p.m. that afternoon, and the teachers gathered together as we did every day. We always used the same pickup truck that belonged to one teacher. It was government policy that we travel in and out together—and that day we almost died together.

The pickup truck left the school and traveled about 700 meters, and when we almost reached the intersection for the road from the school to the village, just near the mosque, the truck was stopped by a gunman.

I didn't see where he came from. I didn't even see his face, as I was sitting behind the driver, so I couldn't see much. I can't remember how many rounds he shot at the truck. Four of the teachers inside the truck were hit by the bullets. Everyone was conscious even after we were hit, so each of us tried to reach our phones to call for help. Since someone called the police, I called my husband.

As I looked around, everyone was shot, some in the shoulder. The driver was screaming in pain. After I called my husband, I passed out. I woke up again at the ... hospital.⁵⁰

Lawan was shot in the back and has been left completely paralyzed from the waist down. She said, "I can't even sit up by myself now, I have to lean on something. I can't go to the bathroom by myself; I need to be assisted by my husband. So now he cannot work."⁵¹ She

⁵⁰ Human Rights Watch interview with Lawan S., former teacher, location and date of interview withheld, 2010.

⁵¹ Human Rights Watch interview with Lawan S., former teacher, location and date of interview withheld, 2010.

also told Human Rights Watch how she missed being a teacher: “I love teaching. I love teaching the children.... I had been teaching for over 30 years in that village.”⁵²

Although Lawan related the entire story of her attack almost without emotion, she broke into tears when she spoke of the effect her paralysis has had on her one son: “Our son was a very smart student. He received many scholarships, but he gave up many opportunities so he could stay here over the last year and look after me. I dragged my son behind. I blame myself for that.”⁵³

A local police officer told Human Rights Watch that the police suspected that insurgents had attacked the teachers in retaliation for an earlier shooting by government security forces of an imam in the area.⁵⁴

Following the incident, five teachers and the school’s director left the government school and moved out of the village.⁵⁵

Case Study: Attack on a Muslim Teacher at a Government School

Nuriham S., an ethnic Malay Muslim, taught Islamic studies at a government school.

He told Human Rights Watch that as early as 2006 he received various threats from separatist insurgents. First, several militants came to him in person and warned him that as a Muslim, he should not be teaching at a government school. The next time, insurgents brought a letter addressed to him stating something similar. Later, Nuriham and other local residents found leaflets with similar allegations left around his village.

But Nuriham was not just under pressure from the insurgents. Some local paramilitary Rangers approached him and warned, in what he perceived as a threat, because he is a Muslim: “You better be careful.”⁵⁶

He told Human Rights Watch that he was then attacked by two assailants in 2009, and that he tried to defend himself with a gun he routinely carried:

⁵² Human Rights Watch interview with Lawan S., former teacher, location and date of interview withheld, 2010.

⁵³ Human Rights Watch interview with Lawan S., former teacher, location and date of interview withheld, 2010.

⁵⁴ Human Rights Watch interview with a police officer, date withheld, 2010.

⁵⁵ Human Rights Watch interview with Lawan S., former teacher, location and date of interview withheld, 2010.

⁵⁶ Human Rights Watch interview with Nuriham S., teacher at government school, location and date withheld, 2010.

I was about to turn the key on my motorcycle. I had put the key in the ignition and was about to start the engine, when someone called my name and I turned and found a gun pressed against my cheek. When the trigger was pulled, the impact of the bullet spun my body around, and I was shot on the other side of the head as my body was spinning around. I was still conscious so I tried to block it, and the bullet went through a finger of my left hand and into my skull. I ran off, holding my bloody hand.

The gunman, riding on the back of a motorcycle, chased after me, and kept shooting at me. I dodged, then I pulled out my gun—a .38 revolver. I decided to fight for my life. I decided that if I didn't fight I would certainly die. I shot at the direction of the motorcycle, and hit the driver on the side of his head. I saw blood coming down the face of the driver. The fight between me and the gunman ended when he ran out of ammunition and they rode away. As they rode away, I shot twice more and I think I hit the gunman in the back. They were outsiders—I did not recognize their faces. Their faces were not covered.⁵⁷

Nuriham lost one finger, and the bullet to his face shattered his jaw and mutilated his tongue. One bullet is still lodged in his skull, as doctors determined it would be too dangerous to remove it.

Case Study: Killing of a *Pondok* Teacher

As Mayudin B.,⁵⁸ the principal of a *pondok* school, was riding on his motorcycle, alleged insurgents shot him three times in the back, killing him. Sumlee B., a school official, told Human Rights Watch: “Where he was killed—people live there, there are many houses—but nobody wanted to say what had happened, nobody wanted to come forward as a witness.”⁵⁹

Human Rights Watch had several months earlier interviewed the principal about *pondok* schools. In that interview, Mayudin said he felt pressure because senior local government officials had called upon him to ensure that his school did not become “radicalized”—that is, permit the insurgents to indoctrinate or recruit their students. He told Human Rights

⁵⁷ Human Rights Watch interview with Nuriham S., teacher at government school, location and date withheld, 2010.

⁵⁸ A pseudonym was used for the name of the victim, and the date and location of the killing were withheld, out of security concerns for others.

⁵⁹ Human Rights Watch interview with Sumlee B., school official, location and date withheld, 2010.

Watch that he was not for radicalization, but worried that security forces in the area often did not differentiate between radicalized *pondoks* and non-radicalized *pondoks*. However, the principal told Human Rights Watch he was under even more pressure from the insurgents to radicalize the school.⁶⁰ The principal had also received a leaflet warning that religious teachers should not cooperate with government authorities.⁶¹

Before the killing, the *pondok* served more than 100 students aged 16 to mid-20s, but now only around 30 students remain. Most students left because they or their parents “feared they could be assaulted [by the insurgents],” the new acting principal explained.⁶²

As a form of intimidation, the assassination proved effective. A school official told Human Rights Watch that he now recognized that he “should not be seen to be too close to the authorities. We won’t turn our back to the state but we will keep our distance.”⁶³

One of the late principal’s adult sons told Human Rights Watch:

My father was an honest man and he thought the best of others, but his openness became his vulnerability. I wish to see justice.... But it is difficult to find the perpetrators. There is some talk from the police, but no progress, no identifications.⁶⁴

Insurgent Motivations for Attacks on Teachers

Insurgents in the southern border provinces have stated explicitly that they attack teachers because they are employees of an educational system that the insurgents consider oppressive; because they seek to retaliate for abuses by Thai security forces; and because they want to undermine the government’s authority. A leaflet widely distributed in Narathiwat in June 2007 says as much (Figure 1).

⁶⁰ Human Rights Watch interview with Mayudin B., principal, location and date withheld, 2008.

⁶¹ Human Rights Watch interview with Mayudin B., principal, location and date withheld, 2008.

⁶² Human Rights Watch interview with Sumlee B., school official, location and date withheld, 2010.

⁶³ Human Rights Watch interview with Sumlee B., school official, location and date withheld, 2010.

⁶⁴ Human Rights Watch interview with one of principal’s children, location and date withheld, 2010.

To Narathiwat Teacher Federation

These three teachers were shot dead in Narathiwat on June 11, 2007.

1. Thipakorn Tasanopas, teacher at Ban Sako School, Srisakorn district
2. Yupa Sengwas, teacher at Ban Sako School, Srisakorn district
3. Sommai Laocharoensuk, teacher at Jeka School, Ra Ngae district

We would like to give you reasons why these teachers were killed.

1. Their killings were in retaliation for an incident in which soldiers and police opened fire at [Muslim] villagers at a mosque in Su Ngai Padi district, resulting in two deaths.
2. Their killings were in retaliation for the Teacher Federation that often issues statements, as instructed by administrative officials and the army, defaming Malayu organizations.
3. Government officials have obstructed and prohibited Malayu villagers from performing religious and cultural rituals, such as the funeral for villagers killed by government officials in Su Ngai Padi district. On the other hand, government officials have openly supported rituals (funerals) of another religion, such as the funerals of Juling and other [Buddhist] teachers.
4. Teachers often indoctrinate and teach Malayu students to have bias against their culture, traditions, and Islamic principles.

For your information.

Best regards,

Patani Islamic Warriors

Figure 1: Leaflet to Narathiwat Teachers Federation, distributed in Narathiwat in June 2007

The insurgents' view that the Thai educational system is oppressive is also reflected in the "Declaration of Patani Darulsalam Fighters" found in Yala in January 2007, which vows: "We will destroy the economic, political, and education system of Siamese infidels here."⁶⁵ Terrorizing teachers and reducing their numbers strains the ability of the government education system to function. This rationale also motivates a number of attacks on government schools, and is discussed in more detail in Chapter V.

In some cases, a teacher's killing directly follows a death of an insurgent, which militants cite as motivation. The death of suspected insurgent Sulaiman Naesa on May 30, 2010, in suspicious circumstances under detention at an army camp, was followed four days later by an insurgent killing of a teacher. Thai army personnel told Human Rights Watch that Sulaiman had been accused of involvement in 14 insurgent attacks. Following his arrest on May 22, Sulaiman was detained at the Inkhayuthboriharn army camp in Pattani's Nong Chik district under the Emergency Decree. Army officers claim Sulaiman committed suicide by hanging himself with a towel. His relatives and local human rights groups told Human Rights Watch that they saw what they believe were visible signs of torture on his body, including blood dripping from his genitals, a wound on the left side of his neck, and a wound apparently from a sharpened object on his back, just above the waist. In apparent retaliation for Sulaiman's death, several insurgent cells stepped up attacks in Pattani, including shooting civilians. For instance, on June 3, 2010, alleged insurgents shot in the head a Buddhist teacher, Bunnam Yodnui, a teacher, in Ban Klong Tha in Kok Po district of Pattani, killing him.⁶⁶

Insurgent attacks on ethnic Thai Buddhist teachers and other civil servants undermine the government's claims of control and security. Because teachers are often prominent members of their communities, their killing also strikes fear in other ethnic Thai Buddhists in the same communities. A postcard sent to a house of Buddhist teachers in Yala's Muang district told them to leave the area:

Teacher Bo, teacher Koi, and teacher Kai, get out of here, you Siamese people. Don't work here. We won't guarantee your safety. Whether you go to teach in Krong Pinang [district] or at Nibongchupatham School [in Yala's Muang district], we can track you down and find out where you live and

⁶⁵ "Declaration of Patani Darulsalam Fighters," a statement originally written in Thai, found in Yala, January 2007, and on file with Human Rights Watch.

⁶⁶ "Thailand: Investigate Detainee's Death; Allegations That Suspected Insurgent was Tortured Spark Reprisal Attacks," Human Rights Watch news release, June 16, 2010.

where you teach. We know what cars you are using. We, the people of Patani State, don't want Siamese teachers. This is your first warning. We, followers of Allah, don't want to have anything to do with Siamese infidels. (Allah only blesses those who truly believe in Allah.)

On the evening of June 2, 2009, six teachers in Narathiwat—two Thai Buddhists and four Malay Muslims—were driving home from work together when they were overtaken by four men on two motorbikes dressed in military uniforms. The men—who are suspected to have been insurgents despite their uniforms—flagged the teachers down so they would stop. Two of the men approached the teachers' pickup truck, and one explained to the driver that there was a bomb on the road ahead. At the same time, however, the other man opened fire with his AK-47 rifle, and shot the two female Thai Buddhist teachers, Warunee Nawaga and Atcharaporn Thepsorn. Warunee died on the spot in the front passenger seat. Atcharaporn, who was eight months pregnant at the time, died on her way to hospital. The other four teachers, who were all Malay Muslim, survived, although the male teacher who was driving, and another female teacher, sustained bullet wounds. According to press reports, the surviving teachers told police that they believed the two non-Muslim women were selectively targeted.⁶⁷

As a representative from a local Muslim youth organization explained:

In some areas, the insurgents would like to kill Buddhist teachers until there are no Buddhists left there.... It's a strategy to make the community purely Muslim.... First of all, the killing reduces the number of Buddhists, and their deaths will scare others so that they move out—the surviving teachers will apply to transfer, so either way, the number of teachers is reduced.... The most worrying trend now is the spontaneous segregation of Buddhists and Muslims in the schools. Some schools will now have only Muslim teachers and students or only Buddhist teachers and students. Not as a result of any policy, but just in response to this security situation.⁶⁸

Particularly brutal attacks enhance the general sense of terror. For instance, in February 2010 assailants shot dead schoolteacher Samrit Panthadet from Bango Yuebang School in

⁶⁷ "Pregnant schoolteacher shot to death," Bangkok Post, June 4, 2009; "Pregnant teacher among four killed in Thai south," AFP, June 2, 2009; "Teachers' lives at risk daily," Bangkok Post, June 4, 2009.

⁶⁸ Human Rights Watch interview with Ismae Sala, human rights officer, Youth Muslim Association of Thailand, March 28, 2010.

Pattani's Kapho district, and then poured gasoline over his body and set it alight.⁶⁹ On the evening of November 24, 2005, two insurgents armed with AK-47 assault rifles shot Non Chaisuwan, the director of Bang Kao School in Pattani's Sai Buri district, as he was about to leave the school in his pickup truck.⁷⁰ Students and teachers who witnessed the attack told Human Rights Watch that the director was still alive when the assailants doused his body with gasoline and burned him to death.⁷¹

Teachers are also a "soft target," much easier to strike than police or the military.⁷² A representative of a teachers' association said:

The terrorists are using the teachers as targets because they know that the teachers are not [generally] armed and that they're part of the government. They don't really care what type of civil servant [they target].... If the government goes after one of them, then they go after a teacher. It is sort of tit for tat. And the other side is that the insurgents think that the teachers are spies and are giving information to the government because teachers are close to the community.⁷³

The insurgents have also targeted ethnic Malay Muslim teachers who work at government schools and are therefore seen as collaborators, and Muslim teachers at Islamic schools who are seen as being too close to government officials, or who oppose efforts by the insurgents to use their classrooms for either indoctrination or recruitment.

State Security for Teachers

In an attempt to provide increased security to teachers in government schools in the south, the Thai government has frequently resorted to providing teachers with armed escorts from the armed forces and paramilitary Rangers as they travel to and from school.

⁶⁹ "Teacher killed and burnt in Pattani," Bangkok Post, February 8, 2010.

⁷⁰ Human Rights Watch news release, "Thailand: Insurgent Attacks Shut Down Schools in South," November 29, 2006; Marwaan Macan-Markar, "South Thailand: 'They're getting fiercer,'" *Asia Times*, December 7, 2006.

⁷¹ Human Rights Watch news release, "Thailand: Insurgent Attacks Shut Down Schools in South," November 29, 2006.

⁷² According to analysis by Deep South Watch, teachers have a high fatality rate when attacked 59 percent of teachers who have been attacked have died, in comparison to only 22 percent of monks and novices attacked, and 41 percent of ordinary citizens. Srisompob Jitpiromsri, "Sixth Year of the Southern Fire: Dynamics of Insurgency and Formation of the New Imagined Violence," March 10, 2010, available at <http://www.deepsouthwatch.org/node/730>.

⁷³ Human Rights Watch interview with Jaroen Chaisit, General Secretary, National Thai Teachers Union, Bangkok, April 8, 2010.

Some teachers told Human Rights Watch they appreciated this form of protection, while others said they did not. One teacher from a school in Yala said: “From the perspective of the teachers, when the soldiers came in, we felt warm-hearted and protected.”⁷⁴ A representative of a teachers’ association said it was best that teachers should make the final decision for themselves on whether or not to travel in security convoys. Many teachers will choose to go with the security convoys because they will determine that it makes them safer, he said, however:

In some cases, the teachers don’t really like [the protection] because teachers say, “We’re not the targets, the insurgents want to target the police and the military, so if we go with them, of course they are going to try and shoot us.” Some would rather go alone.... A lot of teachers are local people and they have their land and their family there, so they’re going to find out [and be warned if they become] a target.⁷⁵

Jintara P., a teacher, explained to Human Rights Watch her concern about traveling in a convoy:

I think it draws attention. If people want to harm us, they can see the soldiers from afar and see us coming. I would prefer not to travel with the convoy. But it is not my choice, because the protection unit will be held responsible for whatever happens to us teachers, so even if we said, “No,” they would still come.⁷⁶

Insurgents have twice ambushed Jintara, without causing injury, on her trip in the escorted convoy between home and school. For the past four years, Jintara and another nine teachers from two different schools have commuted to and from school in two pickup trucks in a convoy with eight soldiers on four motorbikes. She said: “After the gunfight [the first time I was ambushed], the soldiers found gallons of gasoline that they thought the insurgents were going to use to set us teachers on fire.”⁷⁷

Despite these incidents, Jintara told Human Rights Watch: “I don’t think I was singled out. I feel any government official—which includes teachers—can be targeted.... Now when I travel

⁷⁴ Human Rights Watch interview with Mai C., teacher, location and date withheld, April 2010.

⁷⁵ Human Rights Watch interview with Jaroen Chaisit, General Secretary, National Thai Teachers Union, Bangkok, April 8, 2010.

⁷⁶ Human Rights Watch interview with Jintara P., teacher, location and date withheld, 2010.

⁷⁷ Human Rights Watch interview with Jintara P., teacher, location and date withheld, 2010.

to school, I have to pray the whole way until I reach the school grounds.... It's hard to tell whether it was the teachers or the soldiers who were the primary target. Anyone on the road is at risk."⁷⁸

Attacks on security convoys not only undermine the confidence of teachers, but have a debilitating effect on children and their parents by making going to and from school so unsafe.

Some teachers said they would prefer to take responsibility for their own security arrangements, believing that their close community ties afford them a form of protection, while being seen as associated with security forces endangers them. Mai C., an ethnic Thai Buddhist who has taught for more than 30 years in an entirely Muslim community in Yala, shared her personal security arrangements:

In our area there were lots of shootings: teachers shot, other things, but I was relying on my own assessments and I had a janitor who was local to the area, and I was asking him for information on whether it was safe. Then there was a point when he came and said I should leave.⁷⁹

Intira T., who is Buddhist, explained why she chose not to travel with the security convoy like other teachers at her school: "I am a native here. I feel it does not matter, either with or without the soldiers, [the insurgents] would spare me."⁸⁰

Armed escorts may convey a message that the teachers are somehow collaborating with the security forces. This makes accepting an escort particularly risky for Muslim teachers, since it may heighten the chance that insurgents will target them.

Many teachers said that if security escorts are required, they would prefer the better trained army soldiers provide them, rather than the paramilitary Rangers. One teacher who has been protected alternatively by soldiers, Rangers, and volunteer defense forces, expressed to Human Rights Watch a preference for protection from soldiers, because in her view, they were "more efficient."⁸¹

⁷⁸ Human Rights Watch interview with Jintara P., teacher, location and date withheld, 2010.

⁷⁹ Human Rights Watch interview with Mai C., teacher, location and date withheld, April 2010.

⁸⁰ Human Rights Watch interview with Intira T., teacher, location and date withheld, 2010.

⁸¹ Human Rights Watch interview with a teacher at Ban Ba Ngo school, Mayo district, Pattani, March 24, 2010.

Despite the variety of perspectives of teachers and other school officials on the issue of armed escorts, they are not always consulted regarding the life-and-death security arrangements made for them. Nor are they always allowed to voice their own preferences and concerns. Officials sometimes consult only with principals as they devise local arrangements for teachers, who are either not consulted or not consulted in a formal or regular way. Some teachers feel they cannot object to security arrangements that they believe actually put them at greater risk.

Yala's governor, Grisada Boonrach, has recently initiated a change to security procedures for protecting teachers on their way to work. As of March 2010, there were 330 schools in Yala, 225 of which provide their teachers with protection as they travel to and from school.⁸² However, instead of arranging for security escorts to travel with the teachers, the security forces now line the roads at regular intervals in the morning and afternoon, when teachers commute, and check for explosive devices and ambushes. The governor told Human Rights Watch that as a result: "The situation in Yala is improving."⁸³ This technique offers the benefit of not especially identifying teachers, of keeping them away from combatants, and it also provides increased security to the general civilian population, also traveling on the roads.

In addition to providing security escorts, the government has taken a variety of other measures to increase teachers' security. Teacher Mai C. received security training at an army camp in Hat Yai, including on how to react if someone started shooting at her.⁸⁴ Former Narathiwat-based teacher, Patiparn K., told Human Rights Watch that in response to a threat on his life, he started wearing a bulletproof vest on his journey to and from school, courtesy of the area education office, via the Queen's Foundation. Some of these measures are more ambiguously helpful: Patiparn K. received a shotgun in addition to the vest. And Nuriham S. said that because he is a teacher, he receives free bullets for his revolver.⁸⁵

Harm Caused to Education

In addition to the general fear and the tragic loss of human life, attacks on teachers damage the education of children and youth in the southern border provinces in a variety of ways.

⁸² Human Rights Watch interview with Grisada Boonrach, Governor of Yala, Yala, March 29, 2010.

⁸³ Human Rights Watch interview with Grisada Boonrach, Governor of Yala, Yala, March 29, 2010.

⁸⁴ Human Rights Watch interview with Mai C., teacher, location and date withheld, 2010.

⁸⁵ Human Rights Watch interview with Nuriham S., teacher at government school, location and date withheld, 2010.

First, attacks on teachers can traumatize their students. Teacher Jintara P. told Human Rights Watch: “When the students heard I was ambushed ... they broke down in tears and panicked. It was the students and the villagers who were so concerned that they gathered in front of the school when they heard.... [It wasn’t] anyone from the district office or the provincial office who cared how I was.”⁸⁶

Nuriham S., who survived an attack, said:

[My] students were affected the moment they learned that I was shot. First, the school and parents tried to prevent them from knowing, but some [of the students] had heard the gunshots, so they soon found out. The students all broke out in tears, asking “Who shot the teacher?” Many came to visit me in the hospital and cried when they saw I was shot in the mouth.⁸⁷

Second, the teacher’s work performance is frequently and understandably diminished due to fear and anxiety on the job. As one teacher put it: “Teachers don’t have the morale to teach. They’re scared. They’re frightened.”⁸⁸

As a result of this fear, hundreds of teachers have transferred out of the southern provinces, and new attacks generally result in further transfer requests.⁸⁹ At one school Human Rights Watch visited, where the school building has been attacked and the teachers have been ambushed by insurgents, at least four of the fourteen teachers were considering applying for transfer to another school.⁹⁰ In rural schools where teachers have been threatened in the past, it can be difficult to find qualified replacement teachers. One principal told us: “Yes, we are terrified. We feel insecure. But if we abandon our jobs, some of the classes will have to close down, because otherwise it will be difficult to find replacements.”⁹¹

When teacher Mai C. decided to flee Yala, she had no problem transferring to another posting because she had good personal and professional connections. But she cautioned that it was not always so easy for others: “For teachers who want to move out of these areas,

⁸⁶ Human Rights Watch interview with Jintara P., teacher, location and date withheld, 2010.

⁸⁷ Human Rights Watch interview with Nuriham S., teacher at government school, location and date withheld, 2010.

⁸⁸ Human Rights Watch interview with Patiparn K., teacher, location and date withheld, April 2010.

⁸⁹ “100 teachers seek transfer,” Bangkok Post, June 16, 2009.

⁹⁰ Human Rights Watch interview with Kessarinn W. and Jintara P., teachers, location and date withheld, 2010.

⁹¹ Human Rights Watch interview with Duangporn Wisinchai, principal, Ban Trang school, Mayo district, Pattani, March 24, 2010.

there aren't positions for them, so they can move out, but then they're floating. But you lose your benefits and then go into debt. So I estimate that 70 to 80 percent of those who leave end up going back. They feel trapped."⁹² When Mai fled her village, another six teachers from her school also left.⁹³

The Ministry of Education has acknowledged that the southern provinces face a teacher shortage, which they are seeking to remedy by increasing a hazardous duty allowance for teachers in the province to 2500 baht (US\$80) per month, providing 500,000 baht (US\$16,000) life insurance benefits, and providing more permanent contracts for those currently employed as temporary teachers.⁹⁴

Finally, insurgent attacks on teachers can also result in lost school days. Schools frequently shut down for security reasons after an attack on a teacher, including not just the school directly affected, but also schools in surrounding areas. For example, when teachers Wilas Kongkam, 54, a teacher at Manang Kayi School, and his wife, Komkam Petchprom, 53, a teacher at Thung Todang School, were shot with an M16 assault rifle by a gunman on a motorcycle on September 7, 2010, the Teachers Federation of Narathiwat called for the closure of 326 government schools in all 13 districts in the province for three days.⁹⁵ When Sitthichai Chanapiban, director of the Krongpinang School in Yala, was shot and injured on August 5, 2008, 10 schools in the area were temporarily shut.⁹⁶ All 55 government schools in Raman district closed temporarily in the wake of the shooting death of Veera Muenjan, the 54-year-old principal of Ban Ma Hae School, on July 2, 2008.⁹⁷ When Non Chaisuwan, director of Bang Kao School in Pattani's Sai Buri district, was shot, 944 schools throughout all three southern border provinces were closed for one week in November 2005.

Other Threats on Teachers

In addition to the physical attacks by insurgents, some teachers have received death threats or other forms of harassment. These typically come by way of pamphlets, letters, phone calls, and via the internet.

⁹² Human Rights Watch interview with Mai C., teacher, location and date withheld, April 2010.

⁹³ Human Rights Watch interview with Mai C., teacher, location and date withheld, April 2010.

⁹⁴ Bureau of International Cooperation Ministry of Education, "Focus on Quality Improvements in Education in 2009," July 2009.

⁹⁵ Human Rights Watch telephone interview with Bunsom Thongsriprai, chair of the Southern Border Provinces Teacher Federation, September 7, 2010.

⁹⁶ "Thailand: 10 Yala schools closed after principal was injured in drive-by shooting," Thai New Service, August 7, 2008.

⁹⁷ "Schools closed amid tightening situation in southern Thailand," Xinhua News Agency, July 3, 2008.

The insurgents have frequently made threats through letters delivered directly to the individual, or in pamphlets posted on buildings or left around the village.

Insurgents have frequently intimidated the teachers at Pakaluesong School: the director found a death threat on her desk, and the teachers found leaflets threatening them on the school grounds and near the school.⁹⁸

In early September 2010, anonymous fliers were found in villages in Nararhiwat warning: “WANTED: 20 Deaths of Buddhist teachers.”⁹⁹

In early February 2009, spray-painted graffiti by unknown individuals on a wall at Ban Sala Mai School, in Tak Bai district, Narathiwat, warned Thai Buddhist teachers not to work at the school anymore or their lives would be in jeopardy.¹⁰⁰

At Ta Se *pondok* in Yala’s Muang district, insurgents left pamphlets (see Figure 2) threatening the principal for keeping a “good relationship” with the government after Rangers on March 9, 2007 shot two students and conducted an abusive raid on the school (see the section on government raids on *pondoks* below). The principal explained what happened to him after the raid:

First it started with insurgents’ attempts to use the incident to start an uprising, and they wanted me and everyone here to cooperate. But I replied to the local insurgents that our school was already in trouble, so it would be worse if we got involved, so please do not bring us into this. The insurgents started to [distribute] leaflets denouncing our school for colluding with the government authorities. [There were no physical threats], but those leaflets were threatening enough as it is.

In order to control this threat, I asked some students who knew the insurgents to tell them that this school does not want to be involved with either the government or the insurgents, so please leave us alone. It is very difficult to stay in my position—in the middle—because on the one hand you have state media and the mainstream media providing this image of everyone in southern Thailand as an insurgent—everyone. And many of the

⁹⁸ Human Rights Watch interview with confidential military source, March 27, 2010.

⁹⁹ “Teachers Killed in Restive Southern Thailand,” Associated Press, September 8, 2010.

¹⁰⁰ Surasak Glahan, “South–Government won’t use regional mediators to broker peace,” Bangkok Post, February 11, 2009.

government officials view everyone with suspicion. And then you have the gossip in the tea shops where anyone who has any good relations with the government officials is accused of being a government lackey. So if you try and stay in the middle you can become the targets of both sides.¹⁰¹

Teacher Mai C. fled Yala province after learning that she had been targeted for assassination by the insurgents. She told Human Rights Watch:

Even after I moved out, I was receiving calls on my mobile phone. At first I was getting calls from a public phone in the village, and then from a mobile phone. Sometimes, I'd get calls and nobody speaks. And sometimes [a voice would ask], "Is this [the former teacher from the school]?" And then there was someone who called and asked, "Why did you move?" I am still worried by them. When I ask "Who is this?" they won't say.¹⁰²

Patiparn K., who worked as a teacher in Narathiwat for 38 years until 2008, told Human Rights Watch:

My name appeared on a website with a bounty. A website of the insurgents. Mostly it was [a list of] Thai Buddhists. [The bounty was] for 800,000 baht [US\$25,000]. I didn't have a personal dispute or problem with the insurgents. But I was a leader in [a teachers' association], so I think that was one of the reasons that I was targeted. The reason they put this stuff on the website is to put fear in the minds of the teachers.¹⁰³

¹⁰¹ Human Rights Watch interview with Hama Fula, principal, Pondok Ban Ta Se, Muang district, Yala, March 28, 2010.

¹⁰² Human Rights Watch interview with Mai C., teacher, location and date withheld, April 2010.

¹⁰³ Human Rights Watch interview with Patiparn K., teacher, location and date withheld, April 2010.



Behind the scene of goodness there is injustice

Behind the scene of unanimity there is division

Behind the scene of disaster there is benefit and apprehension

To get lasting peace, bravery, endurance, and intention are needed

ความอดทน และ ความมุ่งมั่น...

Figure 2: Pamphlet left at Ta Se pondok illustrating government raid, and warning the school's principal (originally in Thai)

IV. Occupations of Schools by Security Forces

Thai security forces—both the army and the paramilitary Rangers—are putting children’s safety and education at risk by choosing to establish and operate bases within school buildings or on school grounds. This practice should be distinguished from occasions when security forces establish a presence outside of a school for a short period in response to an immediate and compelling security threat to the school. Instead, these military occupations of school grounds last for many months and even years. They are driven by a desire on the part of the security forces to accommodate troops while benefiting from central locations, government land, solid structures, and free electricity and water, as they establish a base in potentially hostile territory. When the security forces set themselves up within schools or on school grounds, students at the schools are forced to carry on their studies alongside armed men. Although the security forces might focus on saving costs by establishing themselves on government school grounds, such armed encampments have a major hidden cost: the sacrifice of children’s right to study in a safe and protective environment without fear.

Human Rights Watch wrote to the Ministry of Education, and the governors of both Pattani and Narathiwat provinces requesting information on how many schools had government security forces living in them, but received no responses. In an interview with Human Rights Watch, the governor of Yala said that he did not know of any such schools in his province. Subsequently, an NGO who visited Ban Talohwee, in Yala’s Yaha district, informed Human Rights Watch that Rangers have been based in the village school for approximately two years.¹⁰⁴

As outlined in Chapter II, the Thai government is obliged by the Thai constitution, Thai laws, and international human rights law, to provide all children with free and compulsory primary education and to work to make secondary education available and accessible to all. When the presence of security forces within a school disrupts access or diminishes the quality of children’s education, the government is violating students’ right to education.

Case Study: Ban Klong Chang School, Mayo District, Pattani

When Human Rights Watch visited Ban Klong Chang village’s government elementary school, where all of the students are Muslim, paramilitary Ranger forces had occupied the school

¹⁰⁴ Email from children’s rights NGO to Human Rights Watch, April 30, 2010.

grounds for approximately two years. The Rangers base took up about half of the playing field behind the school.

Local residents told Human Rights Watch that Rangers had previously been based outside the village, but that they had moved onto the school grounds after insurgents killed the village head who had previously opposed the Rangers establishing a presence in the village.¹⁰⁵

On school grounds, the soldiers are armed with pistols or military assault rifles.¹⁰⁶ When Human Rights Watch asked Basor Binsakee, a 12-year-old boy, whether or not the soldiers ever carried weapons, he answered promptly that they carried “M-16s [assault rifles]. I could touch them, [but I] was not allowed to carry the weapon.”¹⁰⁷ A local resident also noted: “When the children play with the soldiers, or sit on their laps, they are armed.”¹⁰⁸

Parents, current students, and former students interviewed by Human Rights Watch raised various concerns about the interaction between the Rangers and the students.

Students expressed fears that their proximity to the security forces raised the risk of an attack on the school that could wound them. As one nine-year-old girl at the school told Human Rights Watch: “I am scared.... What scares me is the thought that the school could be attacked because the soldiers are at the school, but that students and teachers would be the ones that get hurt.... The schoolchildren and teachers could get caught in the middle.”¹⁰⁹

Both parents and students shared their concerns that the quality of the teaching at the school had decreased since the arrival of the Rangers. They attributed this to the teachers’ increased anxiety and security concerns.¹¹⁰ “The teachers are not focusing on the teaching,”

¹⁰⁵ Human Rights Watch interview with Mariani M., teacher living in Ban Klong Chang, Mayo district, Pattani, March 26, 2010.

¹⁰⁶ Human Rights Watch interview with Mariani M., teacher living in Ban Klong Chang, Mayo district, Pattani, March 26, 2010.

¹⁰⁷ Human Rights Watch interview with Basor B., 12 years old, Ban Klong Chang, Mayo, Pattani, March 30, 2010.

¹⁰⁸ Human Rights Watch interview with Mariani M., teacher living in Ban Klong Chang, Mayo district, Pattani, March 26, 2010.

¹⁰⁹ Human Rights Watch interview with Siti S., 9 years old, student at Ban Klong Chang Elementary School, Mayo district, Pattani, March 26, 2010.

¹¹⁰ Human Rights Watch interviews with Bugree S., parent, March 26, 2010; Shafeerah P., parent; and Dian R., parent, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

one mother of a seven-year-old boy told us.¹¹¹ “My daughter has complained that the teachers do not focus on their job,” another parent said.¹¹²

Students and parents also spoke about their fears that the security forces might sexually harass the girl students and other girls and women in the village. Basor B., a 12-year-old boy, told Human Rights Watch that the only question the soldiers ever asked him was whether he had any older sisters.¹¹³ Hasina S., a 10-year-old girl who goes to the school told Human Rights Watch why she does not talk to the soldiers:

I am afraid of [the soldiers], because the soldiers are very touchy. They love to hold the children, and that’s okay for the boys, but for girls, we can’t allow men to touch our body. And I am not happy when the soldiers ask whether I have any older sisters and ask for their phone numbers.¹¹⁴

Hasina also said that because of her fears, she has wanted for the past year to change to another school, but that she has not done so because her mother wants her to attend school near home.¹¹⁵

One mother who removed her daughter from the school said: “It is more dangerous for girls than boys, because girls these days now grow up so quickly. I fear that the girls will get pregnant by the soldiers.”¹¹⁶ One father of a nine-year-old student at the school said: “If my daughter were much younger, it would not be too bad, but now I am worried. I am not comfortable at all to have my daughter surrounded by men—especially armed men. Because of that, I am very strict with my daughter: she has to keep distance [from the soldiers].”¹¹⁷

A number of local residents complained that the Rangers brew and drink *kratom* (an herbal narcotic drink) and worry that this could be a bad influence on the students, and that the

¹¹¹ Human Rights Watch interview with Dian R., parent, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹¹² Human Rights Watch interview with Bugree S., parent of student at Ban Klong Chang Elementary School, Mayo district, Pattani, March 26, 2010.

¹¹³ Human Rights Watch interview with Basor B., 12 years old, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹¹⁴ Human Rights Watch interview with Hasina S., 10 years old, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹¹⁵ Human Rights Watch interview with Hasina S., 10 years old, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹¹⁶ Human Rights Watch interview with Shafeerah P., parent, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹¹⁷ Human Rights Watch interview with Bugree S., parent of student at Ban Klong Chang Elementary School, Mayo district, Pattani, March 26, 2010.

children might be tempted to try the drug.¹¹⁸ One local resident claimed that some grade 6 children at the school had tried *kratom* after evening soccer matches with the Rangers.¹¹⁹

A teacher who lives in the village noted that since the paramilitary forces moved in, children's games have become more militarized—involving BB guns (a type of air gun) in what she described as “strikingly similar to real scenarios,” with children capturing the BB guns of other children defeated in the games as “legitimate loot,” in the same manner as the insurgents take guns from soldiers they kill. She added that just as the Rangers remain armed while playing evening soccer games with the boys, so too do the boys copy the troop's behavior by carrying their BB guns while playing soccer.¹²⁰

A considerable number of parents have removed their children from the school as a result of the Rangers' presence. One person with knowledge of the enrollment estimated that around 80 students have been pulled out of the school since the Rangers arrived, leaving only approximately 90 students at the school.¹²¹ The principal at the school, however, claimed that the low number of students at the school was not due to students pulling out, but rather that there was not that many households in the area.¹²²

One mother, who removed her 7-year-old son and 11-year-old daughter from the school when the soldiers set up there, said:

I had nothing against the soldiers when they were outside the school, it was okay. But when they moved into the school, I feared there would be an attack on the school, so that is the reason I withdrew my children. The children always play with the soldiers in their quarters, so if there was an attack on the grounds, the children would be hit as well. There was no separation between the school and the soldiers' quarters. And also, apart from the [possibility of] attack, the soldiers brew and drink *kratom* and I was afraid my children might be encouraged to drink it. My boy is very stubborn; he loves to hang out with the soldiers. I told him so many times [not to]. But the

¹¹⁸ Human Rights Watch interview with Mariani M., teacher living in Ban Klong Chang; and with Latif Z., local resident who lives near Ban Klong Chang Elementary School; and Shafeerah P., parent, Ban Klong Chang, Mayo district, Pattani, March 26, 2010.

¹¹⁹ Human Rights Watch interview with Latif Z., local resident who lives near Ban Klong Chang Elementary School, Mayo district, Pattani, March 26, 2010.

¹²⁰ Human Rights Watch interview with Mariani M., teacher living in Ban Klong Chang, Mayo district, Pattani, March 26, 2010.

¹²¹ Human Rights Watch interview with local resident, Ban Klong Chang, Mayo district, Pattani, March 26, 2010.

¹²² Human Rights Watch interview with principal, Ban Klong Chang, Mayo district, Pattani, August, 2010.

boys all gang up and like to hang out with the soldiers and we all tell them not to, but they don't listen. The soldiers have candy and change, so the children like that. The children think that the soldiers are generous.¹²³

Another mother, whose seven-year-old son still goes to the school, told Human Rights Watch she is facing problems trying to withdraw and transfer her son:

It's not easy. The school is very reluctant to let go of these students because it reduces the number of students, and that might lead to the closing of the school. They use delaying tactics. They took the request [for my son to transfer], but they didn't process it for months. And when we pushed for progress on the transfer request, the school administrators refuse to sign the necessary forms. And they try and talk the children out of the transfer.¹²⁴

Many of the children who transferred from the school now attend an Islamic private school with a bilingual curriculum in another village. It takes students approximately one extra hour each day to get to and from the new school.¹²⁵

One mother who spoke to Human Rights Watch said that if the security forces moved out of the school grounds, she would return her children to the school: "If this school were safe, I would prefer my children here, because it is nearer to me and I could see my children any time. I wouldn't have to pay 10 baht a day in transport and I could use that for other things."¹²⁶

Another local resident concluded: "It does not mean that we do not want there to be soldiers in the village, but it should be in a designated area, not mixed up in civilian areas like schools or orchards—even if they are here for a good reason."¹²⁷

¹²³ Human Rights Watch interview with Shafeerah P., parent, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹²⁴ Human Rights Watch interview with Dian R., parent, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹²⁵ Human Rights Watch interview with Adik K., 12 years old, and Basor B., 12 years old, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹²⁶ Human Rights Watch interview with Shafeerah P., parent, Ban Klong Chang, Mayo district, Pattani, March 30, 2010.

¹²⁷ Human Rights Watch interview with Adil S., local resident who lives near Ban Klong Chang Elementary School, Mayo district, Pattani, March 26, 2010.

Case Study: Pakaluesong School, Nong Chik District, Pattani

When Human Rights Watch visited Pakaluesong School, the concrete walls surrounding it were topped with razor wire, and a sandbagged bunker checkpoint was set up at the school's main gate. Some 30 Rangers, all men, were based on school grounds, in a camp set up beside the classrooms.¹²⁸ Security forces have been at the school since November 2006. At times, soldiers from Taskforce 24th Pattani have also been based on the school grounds. The Rangers roam around the school armed.¹²⁹ However, the captain of the forces insisted to Human Rights Watch: "I do not allow any gunshots in our camp because that would scare the children. And since I have been commander here, there has not been a single gunshot in the camp while the children are around."¹³⁰

After the security forces moved in, students began to leave the school. Originally there were more than 220 students at the school, but as of March 2007, only two were still attending.¹³¹ Because the number of students dropped so sharply, although the teachers kept regularly turning up, the provincial governor closed the school down for one semester in 2007.¹³² The school reopened on May 23, 2008. About 60 students returned to school upon its reopening.¹³³ Local residents estimated that the current number of students was still around 60, although the officer in charge at the school told Human Rights Watch that the number of students has risen back to about 90.¹³⁴

Interviewees gave Human Rights Watch two different reasons for the exodus of students.

Parents—whom in this instance Human Rights Watch was only able to interview in a group, and not, as is our usual and preferred practice, privately—told Human Rights Watch that they had withdrawn their children because of their security concerns stemming from the presence of the government forces. One mother of four children told Human Rights Watch she had moved two of them to a government school in another village and sent another two to an Islamic private school "because at this school there are soldiers here, and I don't want my

¹²⁸ Human Rights Watch visit to Pakaluesong Elementary school, Muang district, Pattani, March 27, 2010.

¹²⁹ Human Rights Watch visit to Pakaluesong Elementary school, Muang district, Pattani, March 27, 2010.

¹³⁰ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹³¹ "Militant trainers among five killed in camp raid," *The Nation*, March 5, 2007.

¹³² Human Rights Watch interview with Nadira I. and Nazri J., not their real names, parents, Pakaluesong, Muang district, Pattani, March 27, 2010; Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010; Human Rights Watch interview with confidential military source, Pattani, March 27, 2010.

¹³³ Human Rights Watch interview with confidential military source, Pattani, March 27, 2010.

¹³⁴ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

children to study where there are soldiers. I fear that the presence of the soldiers will bring trouble to the school and ... will bring consequences for the children, including violence.”¹³⁵

A grandmother with six school-aged children told Human Rights Watch that they had all been moved from the local school to another school, “because my grandchildren were scared of the soldiers.”¹³⁶

Members of the government security forces, however, gave another perspective. They contended that local insurgents had pressured parents to withdraw their children from the school. A local military source told Human Rights Watch that parents said that insurgents had told them not to send their children to this school to protest the military presence on the school grounds, and that parents were afraid to endanger their families by defying the insurgents.¹³⁷

The captain of the Rangers based at the school, who had been in charge there for two years, said that armed insurgents, including individuals notorious for killing people, made night visits to the families with children at the school, and he offered a different explanation for the pressure:

The insurgents do not want government education to be available to villagers. The only education they can accept is Islamic education.... The parents have been pressured by the insurgents, who accuse them of putting their children off of the path of Islam because their children are going to the government school. The insurgents prefer that Islamic schools are the only source of education.¹³⁸

However, in contradiction to the motives ascribed to the insurgents by the Ranger captain, many of the parents interviewed by Human Rights Watch who had removed their children from the local government school had actually placed them in another government school in a nearby village, and had not moved them to either a *pondok* school or an Islamic private school.

¹³⁵ Human Rights Watch interview with Normah S., parent, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹³⁶ Human Rights Watch interview with Nafisah A., grandparent, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹³⁷ Human Rights Watch interview with confidential military source, Pattani, March 27, 2010.

¹³⁸ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

A local army source responsible for monitoring the situation told Human Rights Watch that the school where most of the parents transferred their children had been dramatically impacted. The alternative school, with only one building, did not have enough classrooms to accommodate the sudden nearly 50 percent increase in students. Students from each class had to take turns using the classrooms, and the library had to be converted into a classroom. The budget had to be reworked to make sure that all students would have lunch to eat.¹³⁹

One father, whose daughter attends grade 1 at the local school, told Human Rights Watch that he did not send her to the government school in the neighboring village like many other parents because “it is too far away, about one-and-a-half kilometers from home, and my daughter thinks it is too far.”¹⁴⁰ He added, however: “It would be best if the soldiers moved out, but the villagers [aren’t able to] say that anymore.”¹⁴¹

Another parent, whose four children now attend the government school in a neighboring village, told Human Rights Watch enthusiastically: “If the soldiers moved, I would bring my children to this school, because it is so close to my house. I just don’t want my children to study with soldiers in the school.... It is definite for me, that if the soldiers moved out, my children would study in this village.”¹⁴²

Local residents also complained about the insulting conduct and misbehavior of the soldiers at the school; some said the soldiers are sometimes drunk, keep dogs (which are seen as unclean by many Muslims), and bring women onto the school grounds.¹⁴³ While acknowledging that poor conduct had occurred, the local commander said that it was not his Rangers, but members of the Taskforce 24th Pattani (based at the school during the last school break) who were the problem. “But the villagers can’t distinguish,” he said. He told Human Rights Watch that he had complained to the colonel of Taskforce 24th.

Despite the problem of dramatically reduced attendance at the school, the captain was concerned with the role his unit could play in bringing about smaller achievements; he said his men had installed a new catfish pond, a mushroom farm, and 10 new computers; trained

¹³⁹ Human Rights Watch interview with local army source, Pattani, March 27, 2010.

¹⁴⁰ Human Rights Watch interview with Nazri J., parent, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁴¹ Human Rights Watch interview with Nazri J., parent, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁴² Human Rights Watch interview with Nahiza B., parent, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁴³ Human Rights Watch interviews with Nadira I., Rohiza M., Rubiah R., and Nazri J., not their real names, local residents and parents, Pakaluesong, Muang district, Pattani, March 27, 2010.

Boy Scouts and Girl Scouts (female Rangers trained the girls); played soccer with the children; and led trips to expose students to other areas of Thailand.¹⁴⁴

He also described his efforts since taking command to make the school “as open as possible,” including taking down the barricade that used to say “Military Area No Entry,” and allowing local residents whom he trusts to enter further into the camp.¹⁴⁵

Methods of Occupation

Both the Thai army and the paramilitary Rangers have occupied schools in the southern border provinces. The security forces use government schools almost exclusively. However, Human Rights Watch visited one *pondok* where the military had established a camp, although it was unclear from the visit whether there were still regular classes being conducted.¹⁴⁶

The security forces establish their presence either in the school building or on the school grounds, while the school attempts to continue to operate in the remainder of the building or grounds.¹⁴⁷

These school occupations can be distinguished from incidents where security forces have established themselves inside a school in response to a direct threat on a specific school. For example, when Human Rights Watch visited Ban Ba Ngo Elementary School in Pattani’s Mayo district on March 24, 2010, five days after the school was attacked and partially burned by suspected insurgents, a small group of Rangers was spending nights in the school’s classrooms to provide security for the school in the wake of the attack. Similarly, when Human Rights Watch visited Ban Thung Kha School in Yala’s Muang district, just seven days after an attack on the school, a unit from Yala’s 11th Taskforce, infantry from Songkhla province, had temporarily established itself at the school.¹⁴⁸ Examples of security forces establishing a presence in a school for a limited duration in direct response to a specific

¹⁴⁴ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁴⁵ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁴⁶ Human Rights Watch visit to Darussalam Al-Fatonyah Ponoh Institute, Yarang district, Pattani, March 30, 2010. As of August 2010, the Rangers had left the *pondok* and taken up position approximately 500 meters away from the school.

¹⁴⁷ In Ban Klong Maning School, Muang district, Pattani, soldiers from an army “Peace and Development Unit” has occupied a quarter of the two-floor school building; in Ban Samala School, Muang district, Pattani, soldiers originally took over half of the ground floor of the main two-floor school building, but after the school asked them to use less space, they now have approximately a third of the ground floor. Human Rights Watch visits to Ban Klong Maning School and Ban Samala School, August 2010.

¹⁴⁸ Human Rights Watch visit to Ban Thung Kha school, Muang, Yala, March 28, 2010.

threat are less troubling than cases of schools being used indefinitely as base camps, for reasons unrelated to any specific threat. Nonetheless, even military occupations that respond to a specific threat can disrupt children's education, and should be carried out in a way that eliminates physical risk to students and teachers, and minimizes educational disruptions.

However, in the situations investigated by Human Rights Watch where the security forces were using schools because of a need to accommodate troops rather than to respond to a specific threat on the school, the occupation had lasted more than a year. At Koktanod Elementary School, Nong Chik district, Pattani, the army established a camp in 2007; in 2008, Rangers replaced the soldiers, and as of March 2010, a unit of approximately 30 Rangers was still based in the camp alongside the school in the playground and recreation area.¹⁴⁹ The grounds of Ban La Ar Elementary School in Pattani's Saiburi district have been partially occupied by security forces since 2008.¹⁵⁰ At Baa-go-yua-beng School in Karubi, Ka Por district, Pattani, Rangers have had been living at the school since 2008, prior to which army troops did.¹⁵¹ At Ban Krue Se Elementary School, Muang District, security forces had occupied part of the compound for around three years at the time of Human Rights Watch's visit, and 50 soldiers were based there.¹⁵² Security forces have been based at Ban Klong Maning School in Pattani almost continuously since 2005.¹⁵³ Rangers have been camping out at Ban Paka Cinoa Elementary School, in Nong Chik district of Pattani, since November 2007.¹⁵⁴

After security forces move into a school, they militarize and fortify the school campus. At Ban La Ar School, for example, the concrete wall around the school is topped with sandbags, and the Rangers are armed while inside the school compound.¹⁵⁵ At Pakaluesong School, the concrete walls around the school were topped with razor wire, and a sandbagged bunker checkpoint was set up at the school's main gate.¹⁵⁶ At Ban Paka Cinoa Elementary School, in Nong Chik district, Pattani, the Rangers have build two watchtowers in the school compound (see figure 3).

¹⁴⁹ Human Rights Watch interview with a teacher who lives in the village, name, location, and date withheld, 2010.

¹⁵⁰ Human Rights Watch visit to Ban La Ar Elementary School, Saiburi district, Pattani, March 26, 2009.

¹⁵¹ Email from children's rights NGO to Human Rights Watch, April 30, 2010.

¹⁵² Human Rights Watch visit to Ban Krue Se Elementary school, Muang district, Pattani, August 2010.

¹⁵³ Human Rights Watch visit to Ban Klong Maning School, August 2010.

¹⁵⁴ Human Rights Watch interview with local residents, Ban Paka Cinoa, Nong Chik district, Pattani, August 2010.

¹⁵⁵ Human Rights Watch visit to Ban La Ar elementary school, Saiburidistrict, Pattani, March 26, 2009.

¹⁵⁶ Human Rights Watch visit to Pakaluesong Elementary school, Muang district, Pattani, March 27, 2010.

In two cases investigated by Human Rights Watch, security procedures the government forces introduced at the school limited civilian access to the school, including preventing parents from entering the school compound.¹⁵⁷



Figure 3: Paramilitary Rangers have built two watchtowers to fortify the base they established in November 2007 within the grounds of Ban Paka Cinoa Elementary School Pattani. © 2010 David Hogsholt/Reportage by Getty Images

In the schools Human Rights Watch visited, the surrounding communities were rarely consulted about the establishment of military camps in their schools. At Ban La Ar Elementary School in Pattani's Saiburi district, local residents initially opposed the presence of the Rangers at the school, because they had heard that the Rangers often do not behave well. When the Rangers set up at the school, some local residents became concerned about the students' safety, fearing that insurgents would target the school for attack and that students could get caught in the crossfire.¹⁵⁸ The teachers were also unhappy with the military presence. One hundred and ten local residents signed a petition opposing the Rangers' presence on the school grounds. Subsequently, the Rangers appear to have worked

¹⁵⁷ Informal discussions with local residents, Pulakasing, Mayo district, Pattani, March 26, 2010. Citing personal security concerns, local residents were unwilling to be interviewed by Human Rights Watch about the situation at the school. Human Rights Watch visit to Ban Klong Chang, August, 2010.

¹⁵⁸ Human Rights Watch interview with Rosman N., teacher who lives in the village, Ban La Ar, Saiburi district, Pattani, March 26, 2010.

hard to prove their good discipline and either placated or earned the trust of local residents. They have engaged in many development projects that have provided new infrastructure, services, and employment to the community surrounding the school. Around three months after the Rangers set up the camp, they built a concrete wall around the school, and hired local residents as paid workers. Although they said the wall would protect children from running into the road, the high, solid wall also has defensive benefits for the encamped troops.¹⁵⁹

“Over time,” said a local resident who had originally opposed the presence, “people started to shut up about their disagreement. And now it is all quiet and no one wants to talk about it anymore.”¹⁶⁰ Residents of the community surrounding the school said the Rangers were able to overcome this local opposition because the commander, a captain, had offered this development assistance and had also insisted that his forces do not drink alcohol and do not associate with female community members.¹⁶¹ However, the new esteem for this particular group of Rangers has not necessarily lessened local concerns regarding the safety of the children at the school. One local resident told Human Rights Watch that many people are still afraid, “But what choice do we have? We’re waiting for that [kind of attack] to happen, but hoping to God that it will not.”¹⁶²

Motivation for Occupation

Yala Governor Grisada Boonrach said that the security forces have clear tactical reasons for taking locations in schools:

Schools often have better protection, such as a fence, and a good setup for surveillance from the top of the school. It would be riskier to set up sentry posts with Rangers or soldiers in the periphery of the village, so they place them inside the schools in the center of the villages. [Bases on the periphery] makes them more vulnerable to insurgent attacks, because they are more exposed.¹⁶³

¹⁵⁹ Human Rights Watch interview with Hanif P., father of grade III student at Ban La Ar elementary school, Saiburi district, Pattani, March 26, 2010.

¹⁶⁰ Human Rights Watch interview with Rosman N., teacher who lives in the village, Ban La Ar, Saiburi district, Pattani, March 26, 2010.

¹⁶¹ Human Rights Watch interviews with three local residents, Saiburi district, Pattani, March 26, 2010.

¹⁶² Human Rights Watch interview with Rosman N., teacher who lives in the village, Ban La Ar, Saiburi district, Pattani, March 26, 2010.

¹⁶³ Human Rights Watch interview with Grisada Boonrach, Governor of Yala, Yala, March 29, 2010.

Grisada added, however, that despite these advantages, “It is unnecessary to have such types of security forces stationed on the school ground.”¹⁶⁴

A Ranger captain said that the government had established his unit at the school in Pakaluesong as a service to the community and to the school. “The objective of a unit like mine is to ensure that there will be peace in the community. It’s almost like a carrot and stick. The 24th Taskforce [Pattani] is [the stick or] the pressure, and our unit is here to offer solutions, to give the people options in life.”¹⁶⁵ He said that the troops were also at the school “[t]o provide confidence to the teachers so they feel safe. Teachers have been terrified to travel to this area and to work here.”¹⁶⁶ He also made clear that they were not there in response to any specific threat from the insurgents against school buildings.¹⁶⁷

A local teacher said he felt that Ban La Ar School was occupied simply because the village had been designated a “red zone,” a military term to denote areas with high concentrations of insurgents and supporters. The “village had been listed as a ‘deep red’ area, and the army had plans at that time to penetrate and establish a presence in each ‘deep red’ area. It is their counter-terrorism strategy,” said the teacher.¹⁶⁸ None of the three residents who spoke to Human Rights Watch attributed the arrival of the security forces as a direct response to any nearby insurgent attack.¹⁶⁹

Harm Caused to Education

As demonstrated in the above examples, the presence of military and paramilitary forces occupying school grounds alongside children can severely interrupt a child’s education.

In the schools Human Rights Watch visited, the surrounding communities were rarely consulted about the establishment of military camps in their schools. Students and teachers may be so fearful and anxious about the possibility of a future attack and over the possibility of sexual harassment of students that they withdraw from the school, while it makes it difficult to teach and learn for those who remain. High levels of student withdrawals and school transfers can lead to overcrowding at schools receiving transferred students, and

¹⁶⁴ Human Rights Watch interview with Grisada Boonrach, Governor of Yala, Yala, March 29, 2010.

¹⁶⁵ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁶⁶ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁶⁷ Human Rights Watch interview with officer in charge, Pakaluesong, Muang district, Pattani, March 27, 2010.

¹⁶⁸ Human Rights Watch interview with Rosman N., teacher who lives in the village, Ban La Ar, Saiburi district, Pattani, March 26, 2010.

¹⁶⁹ Human Rights Watch interviews with three local residents, Saiburi district, Pattani, March 26, 2010.

place a burden on students to travel to second-choice schools that are further and more costly to reach. The behavior of the armed men within the school grounds—for example gambling, or using alcohol and narcotics—can create an environment within the schools that is not conducive to healthy learning.

V. Insurgent Attacks on Government Schools

It was the arson of 20 government schools all in one night in January 2004—along with simultaneous attacks on three police posts and an army camp—that marked the renewal of the separatist insurgency in Thailand’s southern border provinces. The insurgents’ choice of schools as a target was highly symbolic: they were not just government buildings, but also symbols of the Thai educational system that the insurgents saw as a tool of suppression of ethnic Malay Muslim identity.

In the years since, the insurgents have continued to set government schools alight. There have been at least 327 arson attacks on schools between January 2004 and early September 2010.¹⁷⁰ Although attacks on government schools have been a prominent feature of the renewed insurgency—and continue to this day—the number of school arsons has decreased since a peak in 2007. The decline in such attacks appears to result from tighter nighttime security and surveillance around schools and a simple change of insurgent tactics.

The most physically destructive attacks on schools have been by arson, but insurgents have also planted bombs and IEDs and fired grenades at schools. Usually these bomb attacks appear calculated to target security forces that are based at the school, providing security escorts to teachers, or are providing physical protection to the school. Sometimes these bombs also damage school infrastructure and cause general fear.

The destruction of schools spreads terror among students and local people who fear for their children and for their community. The loss of school buildings also disrupts the ability of children to access a quality education, enlarging the impact.

To the extent that the insurgency in Thailand’s southern border provinces rises to the level of an armed conflict, international humanitarian law applies. Under international humanitarian law, schools and educational institutions are civilian objects that are protected from attack. They may only be attacked if, and only for such time as, they are used by armed forces for military objectives.¹⁷¹ Thus a school is normally protected from deliberate attack, unless, for

¹⁷⁰ Human Rights Watch telephone interview with Bunsom Thongsriprai, chair of the Southern Border Provinces Teacher Federation, September 7, 2010; see also “Gatherings recall 124 who died,” *Bangkok Post*, January 17, 2010, citing 325 arson attacks on 287 schools, following which an additional two schools were attacked.

¹⁷¹ See ICRC, *Customary International Humanitarian Law*, art. 52: “Civilian objects shall not be the object of attack or of reprisals.... Attacks shall be limited strictly to military objectives.... In case of doubt whether an object which is normally dedicated to civilian purposes, such as ... a school, is being used to make an effective contribution to military action, it shall

instance, security forces were occupying it as a base from which to deploy for military operations.¹⁷² In case of doubt whether a school building is being used for a military purpose, it must be presumed to be a protected civilian object.¹⁷³

Case Study: Ban Ba Ngo School, Mayo District, Pattani

When Human Rights Watch visited Ban Ba Ngo Elementary School in Pattani's Mayo district on March 24, 2010, a pile of books was still smoldering in the library of the school from a fire set five days earlier (see figure 4).

At around 9 p.m. on March 19, 2010, the last day of the school term, a group of around 15 insurgents stormed the school. The insurgents had covered faces, and were armed with pistols and rifles. At the time, five village defense volunteers were providing protection for the school. The insurgents divided into two groups, one of which quickly overwhelmed the defense volunteers, who were armed with just one shotgun among them. The insurgents tied the volunteers up in one corner of the school. The second group of insurgents broke into school classrooms and doused them with gasoline. The insurgents first set alight the library and the kindergarten room, using the books and the kindergarten's sleeping mattresses to accelerate the fire. As they set the rooms alight, they shot in the air. The flames spread from the kindergarten to the grade 4 classroom, and from the library to the roof of the adjoining classrooms. The insurgents also tried to burn other rooms, but the fire did not take.¹⁷⁴

Teachers at the school said the attack occurred without any prior warning. The school estimated the cost of repairing the damage to the school's building infrastructure to be at least 600,000 baht (US\$18,500).¹⁷⁵

One teacher recalled that local emergency response officials were reluctant to get involved because they feared further insurgent attacks:

be presumed not to be so used.”; see also *Prosecutor v. Kordic*, IT-95-14/2-A (Judgment December 17, 2004), para 42: “there is no doubt that the crime envisaged of destruction of educational buildings [is] part of international customary law.”

¹⁷² Attacks on school buildings currently being used for military purposes must be neither indiscriminate nor disproportionate. An indiscriminate attack is one in which the attack is not directed at a specific military objective or the methods or means used cannot differentiate between combatants and civilians. A disproportionate attack is one in which the expected loss of civilian life and property is excessive compared to the anticipated military gain of the attack. See ICRC, *Customary International Humanitarian Law*, rules 11-12 & 14, citing Protocol I (1977), arts. 51(4)-(5).

¹⁷³ See ICRC, *Customary International Humanitarian Law*, rule 15, citing Protocol I (1977), art. 57(1).

¹⁷⁴ Human Rights Watch group interview with four teachers and Human Rights Watch visti, Ban Ba Ngo school, Mayo district, Pattani, March 24, 2010.

¹⁷⁵ Human Rights Watch group interview with four teachers at Ban Ba Ngo school, Mayo district, Pattani, March 24, 2010.

I was at home and I heard two gunshots, and when I came out [of my house] I saw that the school building was on fire. Local villagers who were already outside the school said, “Don’t go in, the insurgents are still in there, you could be in danger!” I called the fire brigade, the army, and the police. But nobody came. They feared there would be a secondary attack or a roadside ambush. They said it has been a common pattern for insurgents to set fire on a building first to attract security forces. They said this [on the phone] and I even tried to contact them on the [official government] radio. It took about an hour to convince them to come, by which time [the library and the childcare room of the school] were already burned out ... [and] the roof had already collapsed.¹⁷⁶

Describing how the teachers felt following the attack, one teacher explained that they were “[t]errified. But if we left, then the children would have no teachers.”¹⁷⁷



Figure 4: Burning books continue to smolder in the library at Ban Ba Ngo Elementary School, Pattani, five days after insurgents set fire to the school on March 19, 2010. © 2010 Bede Sheppard/Human Rights Watch

¹⁷⁶ Human Rights Watch interview with a teacher at Ban Ba Ngo school, Mayo district, Pattani, March 24, 2010.

¹⁷⁷ Human Rights Watch interview with a teacher at Ban Ba Ngo school, Mayo district, Pattani, March 24, 2010.

Case Study: Ban Payo Elementary School, Saiburi District, Pattani

On the evening of January 1, 2010, Ban Payo Elementary School in Pattani's Saiburi district was set alight—twice. The first time, at around 8 p.m., the district chief responded to the fire and together with villagers managed to extinguish it.¹⁷⁸ Then around 3 a.m., there was a second attack, and this time, one of the two-story buildings at the school was burned to the ground.¹⁷⁹

Seven-year old Hasae A., a student at the school, saw the first fire: “I was having dinner. I saw smoke. My mother went to the [school] janitor to alert him. I went to a house nearby to protect things because I was worried that the fire would spread.... I saw a red fire, the school glowed red.”¹⁸⁰

The two-story building, which was burned completely, included classrooms for the kindergarten children and grades 1 to 6.¹⁸¹ It also housed a teacher's office containing computers and other educational equipment and supplies.

School officials canceled the Children's Day celebration that was to take place at the school the following Saturday, and classes were temporarily suspended until teaching materials could be borrowed from nearby schools.

Hasae explained: “We had to study outside. I didn't like studying outside [because] it's hot and noisy. I couldn't concentrate.”¹⁸²

Harong M., who is 10, skipped school for three days after the arson attack, fearing punishment because his books had been lost in the fire. “I feared that the teacher would punish me for not having books, because I kept my textbooks inside the classroom. Some of my friends take their books home.”¹⁸³

¹⁷⁸ Human Rights Watch interview with Biza M., local resident, Ban Payo, Saiburi district, Pattani, March 26, 2010.

¹⁷⁹ Human Rights Watch interview with Biza M., local resident, Ban Payo, Saiburi district, Pattani, March 26, 2010.

¹⁸⁰ Human Rights Watch interview with Hasae A., seven years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

¹⁸¹ Human Rights Watch interview with Afrina S., nine years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

¹⁸² Human Rights Watch interview with Hasae A., seven years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

¹⁸³ Human Rights Watch interview with Harong M., 10 years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

Ten-year-old Gimplee U. saw both fires with his friend, and said: “I felt sad because there were computers inside the room and I was sorry they were being burned too. I like computers. I like playing games [on them].”¹⁸⁴

“I felt sad for the loss of the books and computers, because I like reading books,” Hasae told Human Rights Watch. “Now there are only five computers. There used to be 22 computers.” The military gave the school five new replacement computers. “Now we’re restricted to using the computers only during class time, [not] during free time anymore.”¹⁸⁵

Nine-year-old Afrina S. told Human Rights Watch that she “felt sad that the school was destroyed.”¹⁸⁶

Human Rights Watch was unable to determine conclusively whether the attack was carried out by members of the insurgency. The timing of the attack—just as a second, new, unharmed school building was nearing completion—raised suspicions that the attack might have been motivated by the potential for compensation. Indeed, the new building was a replacement for a structure destroyed in an arson attack two years earlier. One local resident, who self-identified himself with the insurgency midway through our interview, stated that their “might be business interests” behind the arson. He also said he thought it was unlikely that it was an insurgent attack because “the insurgents live around here, they have children who attend the school, so they shouldn’t do it, because it would affect their children.”¹⁸⁷ He also expressed a nuanced view regarding insurgents destroying property: “For the insurgents, we have no interest in burning down the schools or the health center, because when we take over, we want the facilities ready to use. So we’re not going to attack such infrastructure.”¹⁸⁸

The same local resident pointed out that school officials did not attend to the fire during the evening after it began, and did not turn up at the school until 9 a.m. the next day.¹⁸⁹ When Human Rights Watch attempted to speak to the school’s director about the arson, he declined to be interviewed.

¹⁸⁴ Human Rights Watch interview with Gimplee U., 10 years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

¹⁸⁵ Human Rights Watch interview with Hasae A., seven years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

¹⁸⁶ Human Rights Watch interview with Afrina S., 9 years old, student at Ban Payo Elementary School, Saiburi district, Pattani, March 24, 2010.

¹⁸⁷ Human Rights Watch interview with Biza M., local resident, Ban Payo, Saiburi district, Pattani, March 26, 2010.

¹⁸⁸ Human Rights Watch interview with Biza M., local resident, Ban Payo, Saiburi district, Pattani, March 26, 2010.

¹⁸⁹ Human Rights Watch interview with Biza M., local resident, Ban Payo, Saiburi district, Pattani, March 26, 2010.

However, on the same night as this school burned, arsonists also set fire to the Tambon Kadunong Health Center, one kilometer away, and to a pile of car tires near the center. It seems unlikely that the other sites were simultaneously targeted for financial gain, which lends credence to the view that insurgents were behind the school arson as well.¹⁹⁰

Teacher Housing Facilities

Arson attacks have been aimed at teacher housing facilities, as well as schools.¹⁹¹ The Ministry of Education frequently offers teachers housing facilities at or near schools. Although teachers are not required to live in such facilities, many teachers who are single or who have recently moved to the area do. Kessarín W., a teacher, described one such arson attack in 2009:

It was about 4 in the morning of [date withheld]. I was asleep and I woke up when I heard gunshots. Four or five rounds of gunshots.... I went outside and I saw that the sky was glowing red from the fire.... I saw the flames ... and could hear the crackling sound of the burning building.... I waited 10 minutes to see that there were people gathering at the school and some had gone.... But by the time I arrived, [the teacher housing quarters] was already burned and the roof had almost collapsed and fire had spread to another nearby building, also a teachers' quarters.... There was no rescue [response]; it was the local residents who put out the fire.... We requested [assistance] by phone and radio, but no one came."¹⁹²

The teachers who lived in the residence lost all their belongings stored there.

Motivations for Attacks

Insurgents appear to target schools as symbols of the Thai state, and in particular, as the site of what they perceive as Thai indoctrination. While there is no particular pattern in the timing of the attacks, some appear to have been timed to coincide with certain events—such

¹⁹⁰ "Thailand: Pattani school torched, classes suspended," Thai News Service, January 6, 2010; "Thailand: 1 killed, school torched in south," Thai News Service, January 6, 2010; "Two injured by blasts in Thai South," BBC Monitoring Asia Pacific, January 5, 2010; "Six injured in blast," *The Nation* (Thailand), January 4, 2010; "Bomb Hurts Six, Schools Torched," *Bangkok Post*, January 3, 2010.

¹⁹¹ For example, suspected insurgents set fire to the teachers' living quarters at Bata Kubo School, in Mayo district, Pattani on December 20, 2009, and to the living facilities at Ban Trang School, Mayo, Pattani, on October 13, 2009. "Insurgents burn down teachers' quarters, attack soldiers in Thai south," BBC Monitoring Asia Pacific, December 21, 2009; Anucha Charoenpo, "Govt changes tack to deal with unrest," *Bangkok Post*, October 14, 2009.

¹⁹² Human Rights Watch interview with Kessarín W., teacher, location and date withheld, 2010.

as a date linked to important events in the separatist movement, or to the beginning or end of the school term.

A Thai-language leaflet found near a Pattani government school burned down in May 2007 by alleged insurgents shows concerted anger at educational institutions:

Warning!

To all Patani Muslims. Now Patani Muslims are at war with the occupying forces of Siamese [ethnic Thai] infidels. You must be aware that our attacks on the symbols of their occupying forces—such as the burning of schools—are carried out to completely destroy the rule of the Siamese infidels. You are warned not to send your children to their schools. They will convert your children, and take away their awareness as Patani Muslims. You must send your children to *ponoh* [*pondok* schools]. You are warned not to cooperate with and not to help the occupying forces of Siamese infidels to rebuild their schools, by providing money or labor. Any assistance to the occupying forces of Siamese infidels is a sin, and will be severely punished.

From Patani Freedom Fighters¹⁹³

A young member of the insurgency told Human Rights Watch that he was responsible for burning down three schools in one night. The young man said he went from one school to the next, setting each one alight. He claimed that because he and other insurgents were armed with AK-47 assault rifles, no one dared to stop them. When asked why he decided to burn down the schools, he told Human Rights Watch that government schools were places of “infidel indoctrination” that served to destroy the ethnic and religious identity of the Malay Muslim. He saw it as his “duty” to burn them down.¹⁹⁴

Schools, like teachers, are also “soft,” highly visible targets, easily attacked, and likely to garner media coverage of insurgents’ activities. When Ban Bang Than School was torched on March 14, 2009, in Nong Chik district of Pattani, a message was spray-painted on a sign at the school reading “Stupid soldiers, crazy soldiers, get out.”¹⁹⁵ Ban Tanyongpao School in Nongjik district, Pattani, was set alight by suspected insurgents on October 30, 2009,

¹⁹³ Leaflet found near a government school in Pattani that had been burned down in May 2007, on file with Human Rights Watch.

¹⁹⁴ Human Rights Watch interview, location withheld, 2008.

¹⁹⁵ Abdulloh Benjakat, “Schools in South torched, shot boy remains in coma,” *Bangkok Post*, March 15, 2009.

destroying the building three days before the start of the new school semester. A message was left on the school wall demanding that soldiers withdraw from the area.¹⁹⁶

Insurgents do not spare government schools with many Malay Muslim students and teachers. For example, Ban Ba Ngo Elementary School in Pattani's Mayo district has 71 students aged 5 to 12, all of whom are Malay Muslim, and a staff of five teachers, all but one of whom are Malay Muslim. The school has suffered two arson attacks in the past five years.¹⁹⁷ One of the Malay Muslim teachers at the school told Human Rights Watch: "I am perplexed why the school was attacked."¹⁹⁸ In the attack on Ban Tha Kamcham School, in Pattani's Nong Chik district on March 14, 2009, the one room in the building that was damaged by the fire was the room used as the school's Muslim prayer room.¹⁹⁹

Yet not all insurgent attacks on schools are motivated by animosity toward the Thai educational system and the easy access to soft, high visibility targets. In at least six cases between March 2008 and July 2009, arson attacks on schools were also used to divert government forces into an ambush.²⁰⁰ At about 9:30 p.m. on March 21, 2010, at Ban Tung Ka School in Muang district, Yala province, unknown individuals went up the outdoor stairs, smashed a padlock and broke into the classroom. They set some books on fire, and badly damaged a classroom. Student books, desks and chairs, as well as a television and computers, were destroyed.²⁰¹ Soon after the fire was set, an explosion occurred near a bridge about two kilometers from the school. Police believe that the bomb was intended to

¹⁹⁶ "Pattani school arson precedes opening of new semester," Thai News Service, November 2, 2009.

¹⁹⁷ Human Rights Watch interview with two teachers at Ban Ba Ngo School, Mayo district, Pattani, March 24, 2010.

¹⁹⁸ Human Rights Watch interview with a teacher at Ban Ba Ngo School, Mayo district, Pattani, March 24, 2010.

¹⁹⁹ Abdulloh Benjakat, "Schools in South torched, shot boy remains in coma," *Bangkok Post*, March 15, 2009.

²⁰⁰ Other examples reported recently in the media include: Just before midnight on March 15, 2008, suspected militants used a mobile phone to detonate a bomb at a school in Saiburi district, Pattani, killing one person and wounding five others, who were trying to put out a fire at the school when the bomb went off. "Bombs kill two, wound 18 in Thai Muslim south," Reuters, March 16, 2008. On March 20, 2008, insurgents set fire to a school in Rueso district, Narathiwat, and then shot at defense volunteers who tried to put out the blaze. Both sides exchanged gun fire for more than five minutes but no one was injured. "Chalerm: I'm not afraid of going to South; Says Songkhla meet not attempt to avoid danger," *Bangkok Post*, March 21, 2008. On May 11, 2008, one building of Ban Krawa School, Mayo district, Pattani, was set alight by suspected insurgents. The arsonists fired on the police investigators who were inspecting the damage. "Southern Unrest; School torched hours before reopening," *Bangkok Post*, May 13, 2008. A team of police and soldiers responding to a fire at Ban Laharn Yamu School in Pattani's Yarang district were ambushed by insurgents with a roadside bomb and a gunfight on August 10, 2008. "Police officer shot, badly hurt," *Bangkok Post*, August 12, 2008. Insurgents set fire to the teachers' living quarters inside Bata Kubo School, Mayo, Pattani, on December 20, 2009, and ambushed the soldiers who came to the scene, injuring two. "Insurgents burn down teachers' quarters, attack soldiers in Thai south," BBC Monitoring Asia Pacific, December 21, 2009.

²⁰¹ Human Rights Watch visit to Ban Thung Kha School, Muang district, Yala, March 28, 2010.

target emergency response teams as they arrived at the school to respond to the fire. However, the bomb went off prematurely, and no one was killed.²⁰²

There is also evidence that parties other than the insurgency may be responsible for some arson attacks on schools; in a very small number of cases, the compensation money that comes to the school and to local builders might motivate attacks.²⁰³

Harm Caused to Education

Insurgent attacks on schools have tremendously harmed children's ability to access a quality education. In addition to the trauma to children and teachers, there is a loss of school days, a loss of resources that are burned in the attack, and lower quality alternative locations for classes until the school is rebuilt.

After one school burned down, officials set up a tent on the school playground, which more than 200 students, all Malay Muslim, had to share for classes. A teacher at the school at the time, told Human Rights Watch: "We had to start from zero, because not only was the school burned down, but we had lost all our documents.... It was very difficult for both the teachers and the students.... it was either very hot or ... the tent leaked when it rained. And it was very noisy."²⁰⁴ The teacher said that classes continued in the tent for six months, until the government provided the school with a pre-fabricated unit, and that it took more than a year for the construction of a new permanent school building to be completed.²⁰⁵

Following the arson at the school library at Ban Ba Ngo School, teachers told Human Rights Watch that the biggest loss was the library. Said one teacher: "The books were good books, they were valuable, they were expensive, and the whole library was burned down. We also had a TV set and CD player [in the library].... [We lost] about a thousand books, and in terms

²⁰² Human Rights Watch interview with soldier at school, Yala, March 28, 2010; "Thailand: School arson and failed bomb attack in Yala," Thai News Service, March 23, 2010; "Thailand, Police officers working in strife-torn South may receive improved benefits," Thai News Service, March 22, 2010.

²⁰³ Human Rights Watch interviews with Angkhana Neelapaijit, Chair, Working Group on Justice for Peace, Bangkok, March 23, 2010, and Grisada Boonrach, Governor of Yala, Yala, March 29, 2010. For example, according to media reports, the individual arrested for the arson of Ban Ton Yong School, Bacho district, Narathiwat in August, 2010, claimed that he had been hired to burn the school by the chair of the local council. The individual accused of carrying out the arson was a soldier from a "Peace and Development" unit that had its base in the attacked school. See "Reinvestigating the school burnings involving local politics," *Komchadluek*, September 14, 2009; and "Captured the suspect who burned school," Bangkok Business Online, September 2, 2009.

²⁰⁴ Human Rights Watch interview with Lawan S., former teacher, date and location withheld, 2010.

²⁰⁵ Human Rights Watch interview with Lawan S., former teacher, date and location withheld, 2010.

of value, about 100,000 baht [US\$3100].”²⁰⁶ Another teacher explained that the school allowed students who could not afford to buy a textbook to borrow a copy from the library. She noted that at least 28 of the students in grade 4 of the school borrowed books from the library under this program.²⁰⁷

A teacher described the problems resulting from the loss due to arson of two classrooms:

[W]hen we divide [the remaining classes to accommodate the additional students], the children can get distracted by noises from other classrooms.... [There will also be a] shortage of textbooks and equipment. The kindergarten will have a hard time, as they cannot have their afternoon nap, because their mattresses have all been destroyed [in the fire], and they have lost their sleeping area. And next term, we will not have enough blackboards.... And all these tables and chairs were destroyed. Without blackboards, what medium can you use to teach children?²⁰⁸

²⁰⁶ Human Rights Watch interview with a teacher at Ban Ba Ngo School, Mayo district, Pattani, March 24, 2010.

²⁰⁷ Human Rights Watch interview with a teacher at Ban Ba Ngo School, Mayo district, Pattani, March 24, 2010.

²⁰⁸ Human Rights Watch interview with a teacher at Ban Ba Ngo School, Mayo district, Pattani, March 24, 2010.

VI. Insurgent Indoctrination and Recruitment at Schools

In the years leading up to the resurgence of separatist violence in 2004, and ever since, both private Islamic schools and *pondoks* have been a key site of indoctrination and recruitment for the insurgency.²⁰⁹ The indoctrination and recruitment of children and teachers within schools poses a serious threat to children's right to education, and constitutes an egregious violation of the prohibition against the recruitment and use of children in armed conflict.²¹⁰

Insurgents use the classrooms of certain *pondoks* and private Islamic schools to identify potential recruits. A former insurgent in Yaha district, Yala, described to Human Rights Watch how this identification process occurs, and how the indoctrination process is begun:

[T]here were *ustadz* [Islamic teachers] that taught at private religious schools who selected students in their classes and then visited those students at the villages or provided extra teaching after regular school hours at the mosques, in the schools, or at students' dormitories. The students were categorized by groups and grades according to their capability and readiness. The lessons given to those students were history subjects and textbooks related to the fight of Muslim combatants including Al-Ikhwan Al-Muslimeen [the Muslim Brotherhood] in Egypt, Hamas in Palestine, Al-Jabhah Al-Islamiyah [the National Islamic Front] in Sudan, PAS [Islamic] Party in Malaysia, and the Islamic movement in Algeria, for instance....

For students in private religious schools, the organization ... would use the method of extra teaching after the regular teaching schedule in schools. Most of the teaching was taking place at dormitories or mosques in the evening or at night depending on the convenience, and met at least once a week. The *ustaz* sometimes inserted fighting ideology in the classes but only for students in *Mutawaschit* level [grades 5-7] and *Zarnavi* level [grades 8-10].... Sometimes they used the method in selecting students to go for field

²⁰⁹ See also International Crisis Group, "Recruiting Militants in Southern Thailand," Asia Report No. 170, June 22, 2009; and Joseph Chinyong Liow and Don Pathan, "Confronting Ghosts: Thailand's Shapeless Southern Insurgency," Lowy Institute Paper 30, 2010.

²¹⁰ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, adopted May 25, 2000, A/RES/54/263, entered into force February 12, 2002, art. 4(1): "Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years." Thailand became a party to the Optional Protocol on February 27, 2006.

trips outside the area and there would be an *ustaz* who came and gave religious lecture but also inserted fighting ideology to the children on the last day before returning home....

The core leaders would first select children and youngsters who are well behaved and don't talk much. After that, they would look for children in general and people to be gunmen. Women were also targeted by the organization to perform ... public relations and act as their informants in the village. The target group was mostly students between ages 16 and 25. They didn't care if those youngsters were addicted to drugs or not. The most important thing for them was that those youngsters must be able to perform the assigned duties. Their main target was students who were well behaved, good at studying, believed in religion and able to keep information and secrets. For youngsters that didn't agree with the group's lecture or persuasion, the organization would let them go without punishing them unless they opposed the organization, [then] they may be killed. But they would be warned, however, two times in advance.²¹¹

A BRN-C (*Barisan Revolusi Nasional-Koordinas*, or National Revolution Front-Coordinate) elder in Pattani province gave Human Rights Watch a similar description.

The methods for reaching out to the youngsters, or targets, for their persuasion and influence was they would simply pick out youngsters in the Islamic teaching schools, religion schools, and mosques. They look for the imam to arrange religious activities for the youngsters and those who are interested, in order to cover up the mission of the organization. They are even capable of looking for new members in universities.²¹²

A local politician in a district of Songkhla province previously affected by the conflict explained how the indoctrination and recruitment process sometimes begins once suitable students have been identified:

As a means to lure the youngsters to be part of the organization's armed forces, they ... use students in Islamic teaching schools to conduct religious

²¹¹ Human Rights Watch interview with former insurgent, location withheld, September 2007.

²¹² Human Rights Watch interview with BRN-C elder, Pattani, October 2007.

duties for other youngsters... [M]ostly they would use schools and football fields, which are closer to the [local] people, as main organizing locations. It's a very good strategy...

Besides that, the entire organization would go to those resting hubs in the village, where there are teenagers gathered together, to talk about fighting back or *jihad*. You don't usually find [recruits] in the tea shop. Step by step, they would start by questioning your quality of life, the ups and downs of being a teenager, etc. Then, they would talk about politics, history, about them, unfair treatments from the government officials, etc. And finally, [they] come to the idea of fighting back for the sake of their independence.²¹³

After recruits are indoctrinated, the next step is for them to join *pemuda*, a youth movement associated with the separatists, according to interviews with insurgents across all three provinces. Then the recruits must prove their bravery and commitment to the cause by disseminating propaganda leaflets and also death threats. The next step is vandalism, for example, burning public telephone booths or destroying road signs with spray paint or sledge hammers. After that, recruits may take part in attacks as lookouts or by helping to block victims' escape routes with felled trees, burning tires, or metal spikes. Sometimes they are enlisted to join arson attacks targeting government buildings (including schools), security posts, and Buddhist temples.²¹⁴

Often by this point, the recruits have gone through training to build their physical strength and basic knowledge of military tactics. The locations of these trainings may be rotated, from rubber plantations to fruit orchards to school fields and remote forests. Later, some of the recruits will be chosen to receive specialized training in machete fighting, firearms, and explosives. At the same time, they will receive more intensive training in ambush and attack tactics. These recruits will then take part in actual attacks and killings in various ways, according to their skills and the needs and preferences of the cells they belong to. Those with more combat experience (often in their mid-20s) operate as commandos under direct control of village-level cell leaders.²¹⁵

²¹³ Human Rights Watch interview with local politician, location withheld, September 2007.

²¹⁴ See Human Rights Watch interview with BRN-Coordinate members in Pattani, Yala, and Narathiwat, April 2004 to November 2006. See "No One is Safe: Insurgent Violence Against Civilians in Thailand's Southern Border Provinces," Human Rights Watch report, August 2007.

²¹⁵ See Human Rights Watch interview with BRN-Coordinate members in Pattani, Yala, and Narathiwat, April 2004 to November 2006. See "No One is Safe: Insurgent Violence Against Civilians in Thailand's Southern Border Provinces," Human Rights Watch report, August 2007.

Although the classroom or the school field are often the first points of contact between students and insurgent recruiters, they are not the only place where recruitment occurs. Even so , it is only a small minority of schools where this recruitment is occurring. Even in schools where insurgents are active, the recruitment may not be occurring with the awareness, let alone the acquiescence, of all the teachers or even the school principal.

VII. Government Raids and Arrests at Islamic Schools

The Thai government faces a complex task in ensuring that schools are not used as entry points for children to be recruited to join the insurgency, as places to promote and encourage militant activity, or as safe havens for the storage of weapons or hiding fighters. To prevent this, at times, the government must conduct investigations and searches on school property. As discussed in the previous chapter, insurgent commanders and fighters are responsible for violations of international law, such as the recruitment and use of individuals under the age of 18. However, on some occasions, these raids have resulted in the mass arbitrary arrest of students,²¹⁶ or have turned violent, endangering students and teachers.²¹⁷

The government closure of religious schools and government raids on the grounds of Islamic private schools and *pondoks* can be incendiary to Muslim sentiment. A prominent elder in the insurgency told Human Rights Watch that in his view, the separatist fight with the Thai state did not constitute *jihad* under Islam. Yet he gave a list of conditions under which *jihad* would become justified, and one of those was the mass closure of *pondoks* and the disruption of Islamic education through the arrests of students and teachers.²¹⁸

Raids on schools and the arrest of students can be detrimental to children even if no charges are ever brought, because of the stigma or suspicion that can stick to the individual in the eyes of others in the community. Such suspicion, or concerns about avoiding any apparent cooperation with either side of the conflict, can bar students from returning to certain communities or schools.

²¹⁶ CRC, art. 37(b): “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.” See also International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 9: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Thailand ratified the ICCPR on Oct. 29, 1996.

²¹⁷ The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials provide that law enforcement officials should carry out their duties by nonviolent means and only use force when strictly necessary. When the use of force is unavoidable, it should be used in proportion to the seriousness of the offense and the legitimate objective to be achieved, and shall minimize damage and injury. See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990), principles 4 and 5; United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, UN Doc. A/34/46 (1979), article 3.

²¹⁸ Human Rights Watch interview with Poh M., Narathiwat, November 20, 2009.

Under normal circumstances, Thai law stipulates that anyone under the age of 18 can only be arrested by the police if an offense is a flagrant (fresh and recent) crime or if a judge issues a warrant.²¹⁹ After an arrest, before proceeding with an investigation, a police officer must enquire whether the child would like to have a legal advisor present during the investigation, and provide one if so requested.²²⁰ The interrogation of a child has to be held in a suitable place. In addition, Thai law specifies that throughout an investigation, whenever it is alleged that the child has committed an offense for which the maximum imprisonment is three years or more, or when the child requests it, certain people must be present: a psychologist or a social worker, a public prosecutor, and any other person, such as a parent or teacher, requested by the child.²²¹

However, under the ongoing state of emergency declared by the government in July 2005, the military can search and detain suspects for interrogation for 30 days without charge, and children receive no additional protections.

In Yala, the governor told Human Rights Watch that the military will no longer be the primary force conducting raids on school grounds unless it is acting in hot pursuit. Instead, the military must consult with the district official and allow the district official to carry out the search. The governor describes this policy as “safer” and “more acceptable.”²²²

Case Study: Ta Se pondok, Muang District, Yala Province

On March 9, 2007, paramilitary Rangers fired on a pickup truck in a village in Yala’s Muang district, killing Abukari Kasoh, a 15-year-old Muslim student, and seriously wounding his brother-in-law, Afandi Pohma. The Rangers claimed they shot at the pickup during hot pursuit of insurgents.²²³ The Rangers then entered the campus of a nearby *pondok*. Teachers and students tried to explain that the two youths shot were not insurgents and had already been sent to the hospital, but some Rangers shot into the school co-op and the male dormitory area. The government forces ordered male students to come out of school buildings, take their shirts off, and sit with their faces to the ground. The Rangers verbally abused the students and spat at them, kicked them, and hit some of them in the head.²²⁴

²¹⁹ Act for the Establishment of and Procedure for Juvenile and Family Court B.E 2534 (1991), sec. 49.

²²⁰ Criminal Procedure Code, section 133 bis.

²²¹ Criminal Procedure Code, secs. 133 bis and 134 ter.

²²² Human Rights Watch interview with Grisada Boonrach, Governor of Yala, Yala, March 29, 2010.

²²³ “To be armed is to invite danger,” *Bangkok Post*, March 30, 2007.

²²⁴ Human Rights Watch interview with Hama Fula, principal, and Human Rights Watch visit to Pondok Ban Ta Se, Muang district, Yala, March 28, 2010.

The principal claimed that the Rangers also broke into the school co-op and stole 10,000 baht (US\$310), and 15 mobile phones.²²⁵ “It was looting, not searching,” he said.²²⁶ After the raid, the government apologized for the Rangers’ acts and compensated the school.

Case Study: Saengtham Islam Wittaya, Bacho District, Narathiwat

Saengtham Islam Wittaya is a *pondok* school that also offers evening classes covering the government school curriculum, allowing students who choose to take these classes to earn a diploma accreditation for completing the government curriculum. The school has 70 students, ranging in age from 10 to their 20s. Each year, around 10 students earn a grade 6 diploma through the evening classes.²²⁷

On the early morning of October 12, 2009, a mix of marines, Rangers, district defense volunteers, and police arrived at the school. The school’s principal described what ensued:

I heard the trucks approaching at about 6 a.m. The school gate was still closed, so some of the soldiers started to climb over, and that drew the attention of the children.... Thirteen [military] trucks came inside ... [as well as] an armed personnel carrier with a mounted machine gun and a mine sweeping truck.... I saw at the front gate that there were four officers.... So we talked to one another and they scolded us: “Don’t even think about fighting, you will never win. And if you cause too much trouble, you will [be shut down].” I said I was the principal and asked who was the commanding officer. I asked him how many people he had brought. He said 600 men. That was so excessive. One army truck would be enough.²²⁸

At the time of the raid, security officials described their forces as numbering “more than 200 police and soldiers.”²²⁹

A 10-year-old student at the *pondok*—who also attends grade 4 at a local government school—told Human Rights Watch what he remembered of the day:

²²⁵ Human Rights Watch interview with Hama Fula, principal, Pondok Ban Ta Se, Muang district, Yala, March 28, 2010.

²²⁶ Human Rights Watch interview with Hama Fula, principal, Pondok Ban Ta Se, Muang district, Yala, March 28, 2010.

²²⁷ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²²⁸ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²²⁹ “Thai soldiers raid Muslim school,” Al Jazeera English, October 12, 2009.

I was with some of the older students when the soldiers came.... When the soldiers told me and the older children to get in the truck, we did what we were told. Then they took us to a camp in Bacho district. When we arrived there, the soldiers gave us food and drink. After that, the soldiers told us we would be taken inside for interrogation.... I was with three [similarly aged] children from the school; we were called in groups of four at a time. There were about seven soldiers. They were ... not armed. But I was still afraid. I thought the soldiers might hold me there and not let me return home.... The soldiers first asked me where I lived, and where I came from. And then how old was I? And I replied that I was 10. And then they asked me about what my parents did for a living.... And then that was all they were interested in and they told me I was free to watch TV. And then I was fed another meal.²³⁰

An older student also arrested on that day told Human Rights Watch that upon arrival at the military camp, the students were separated into two groups by age: one group for those below 15 and one group for those 15 and older. “For my [older] group it wasn’t as good as what happened to the younger ones,” he told us.²³¹ For starters, he said, “It took a long time before I was called in for interrogation and I was hungry, so we had to ask the soldiers for food.”²³²

He continued:

The soldiers called the students in four at a time.... [I went in with] one student who was 16, one who was 17, and one who was 16 or 17.... [In the interrogation room] it was mixed between uniformed soldiers ... and those who were questioning us [who] were ... wearing military green T-shirts and military-style pants and boots. They were not armed. They started with, “Why did you go to that school?” and “How is the education provided?” “What is the teaching like in your school?” “What did the teacher teach you?” and “Do you know any bad guys?” And then they started to give me samples of names, like, “Wahid.” Just the one name. They asked if I knew the [insurgent document] *Call for Pattani Liberation*. I had never read it, but the soldiers told

²³⁰ Human Rights Watch interview with Karim I., 10 years old, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²³¹ Human Rights Watch interview with Khalid R., 20 years old, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²³² Human Rights Watch interview with Khalid R., 20 years old, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

me if I ever read that, they would “bury me”.... Some of the other students were asked what would they do with their life if they only had a religious education.

I was not happy with how the soldiers questioned me. They weren’t rude or aggressive, but the way they framed their questions was insulting. What upset me the most was when they asked me why I had gone to a *pondok*. They said graduates of *pondoks* would earn no money. The soldiers also told me that if they ever found out that I was part of the insurgency, then they would take me [arrest me]—for sure.²³³

All but one of the students (who was blind) present at the school that day were taken into custody. Forty students were picked up, according to the principal, although media accounts at the time estimated the number even higher.²³⁴

While the students were being questioned at the base, the soldiers searched the school. The principal told Human Rights Watch: “I saw [the soldiers] use a device with a black handle bar and rotating antenna. I asked what it was for and they said it was a bomb detection device.”²³⁵

Four marine divers went into the fish pond behind the school, but emerged empty-handed.²³⁶ Police Col. Chamlong Ngamnet, the district police chief, told the media that the police found a book about suicide bombings in one of the rooms in the school’s dormitory.²³⁷

²³³ Human Rights Watch interview with Khalid R., 20 years old, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²³⁴ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²³⁵ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010. The device the principal described was the controversial GT200 explosive detector that has been used to collect evidence to detain large numbers of alleged insurgents. On February 16, 2010, Prime Minister Abhisit Vejjajiva announced the results of a government-sponsored study of the GT200, which concluded that the device was only successful in discovering explosive substances in 20 percent of the sample cases. See “Thailand: Stop Using Discredited Explosives Detector: GT200 Device Facilitates Abuses in Southern Conflict,” Human Rights Watch news release, February 17, 2010, available at <http://www.hrw.org/en/news/2010/02/17/thailand-stop-using-discredited-explosives-detector>.

²³⁶ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho, Narathiwat, March 31, 2010.

²³⁷ “Thai soldiers raid Muslim school,” *Al Jazeera English*, October 12, 2009, copy on file with Human Rights Watch.

By 5 p.m., all but one of the students were returned to the school. The one student held was a Cambodian national. The student, in his 20s, was detained because he did not have a passport. He was kept overnight.²³⁸

The security forces said at the time of the raid that they carried it out because they believed the students might have information about a shooting the previous weekend against a motorcade of high-ranking civil servants, and that some students might have ties to the insurgency.²³⁹ The principal told us: “They said they were referred by a concerned member of the community. We’ve not had problems with the military before. One reason could be that there was a rotation of troops—a unit with whom we had good relations [had just] moved out—and a new unit moved in.... This area is ‘red,’ and there’s been a lot of violence: many bombs, many shootings. But at this college, there has been no violence.”²⁴⁰

A military source told Human Rights Watch that the *pondok* had aroused suspicion because of a number of attacks in the area surrounding the school during the prior month. After the school was cleared following the raid, this source told Human Rights Watch that the military now suspects that the insurgents were trying to draw suspicion to the school in order to foster antagonism and drive a wedge between the school and the government.²⁴¹

On October 18, 2009, the school received an official apology from the government for the raid.

Explaining the consequences of the raid, the school’s principal told Human Rights Watch:

The children were panicked. They did not cry.... Some of them were so panicked and were so terrified that they were ill. The children said they were not hurt, the soldiers had only asked them questions, but it was scary for them. The school reopened the next day, but the children had no focus for the teacher or their lessons. Two of the students left the school to go home, one for one month, and the other is still missing. Both of them were around

²³⁸ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010. The local media reported that he was a teacher, but the principal said that this was incorrect and that he was a student. According to the school principal, the student had sent his passport to Cambodia to be renewed, and presented a piece of paper saying that it was being renewed.

²³⁹ “Thai soldiers raid Muslim school,” *Al Jazeera English*, October 12, 2009, copy on file with Human Rights Watch.

²⁴⁰ Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²⁴¹ Human Rights Watch interview with military source, location withheld, March 24, 2010.

17. It took about three weeks for the children to settle down. But it wasn't just the children [who were] affected, but the parents and the staff too....

To build a building can take many days, but it can take just one person to do something to ruin that building. Twenty years of good deeds were ruined by that day.²⁴²

Case Study: Muslimeen Private Islamic School, Saiburi District, Pattani

At Muslimeen Private Islamic School, Saiburi district, Pattani, there are over 500 male and female students aged 12 to 21 years old. Security forces have frequently raided and searched the school; one senior staff member at the school estimated that there have been around 12 searches since 2001, once during the night.²⁴³ According to this staff member, on two occasions, the police alone conducted the searches; on other occasions, a mix of police and soldiers did.²⁴⁴ The staff member described the raids:

Each time [the security forces] surround the school, they always break inside and search everything. They come inside without permission.... The raids physically disrupt all the activities on the day of that raid, and it will have a lasting impact on these students.... Students and teachers are terrified for a number of days after a raid. It also affects the parents.... They worry that their children will be targeted by the police and army.

On one occasion, the security forces arrested a religious teacher at the school. Although he was later released, the school asked that he not return to teaching. During another raid, a man who had no apparent connection to the school was shot and killed on school grounds. The man had hidden out on the grounds inside one of the girls' dormitory shacks, and tried to disguise himself as a female student by donning some of the girls' clothes.

As a result of that raid, according to a staff member at the school, the students were "very panicked.... The girls suffered worse than the boys, because the man was killed in front of

²⁴² Human Rights Watch interview with Muhammad Game Isor, principal, Sengtham Islam Witya School, Bacho district, Narathiwat, March 31, 2010.

²⁴³ Human Rights Watch interview with Malik S., senior staff member, Muslimeem Private Islamic School, Saiburi district, Pattani, March 25, 2010.

²⁴⁴ Human Rights Watch interview with Malik S., senior staff member, Muslimeem Private Islamic School, Saiburi district, Pattani, March 25, 2010.

their dorms. And the boys were concerned there would be other raids.” A teacher at the school told Human Rights Watch that he stayed away for a week after that raid.

I was worried. I didn’t know who else was targeted. So I stayed at home until the owner of the school told me it was all right [to return].... The frequency of the raids has disrupted education and created a feeling of uncertainty for teachers and students, because we don’t know when the soldiers will come next, so we all live with that uncertainty.... I feel insecure, and my students feel insecure.²⁴⁵

According to staff at the school, four or five students aged around 16 or 17 left the school after the shooting, concerned about their safety, and transferred to other schools.²⁴⁶

A teacher told Human Rights Watch that the school had attracted particular attention because of the suspicions of the security forces regarding the teacher who was eventually arrested but later released.²⁴⁷ However, raids continued at the school even after this teacher left. Human Rights Watch has no information on whether these subsequent raids have been based on new actionable evidence, or whether the onetime presence of the teacher who left led security forces to be generally suspicious of the school.

Case Study: A *Tadika*

A *tadika* teacher told Human Rights Watch that his school was transitioning from mostly male teachers to mostly female teachers in response to raids at schools and the suspicion that falls upon male teachers at Muslim schools. Seven years ago, his *tadika* had four male teachers and two female teachers, and now it had three male and five female teachers.²⁴⁸

The teacher told Human Rights Watch that the principal at the *tadika* had been arrested three times between October 2009 and March 2010 on suspicion of involvement in the

²⁴⁵ Human Rights Watch interview with Rosman N., teacher at Muslimeem Private Islamic School, Saiburi district, Pattani, March 26, 2010.

²⁴⁶ Human Rights Watch interview with Malik S., senior staff member, Muslimeem Private Islamic School, Sai Buri district, Pattani, March 25, 2010; and with Rosman N., teacher at Muslimeem Private Islamic School, Saiburi district, Pattani, March 26, 2010.

²⁴⁷ Human Rights Watch interview with Rosman N., teacher at Muslimeem Private Islamic School, Saiburi district, Pattani, March 26, 2010.

²⁴⁸ Human Rights Watch interview with Mustafa S., teacher, location withheld, March 25, 2010.

insurgency, though no charges were filed.²⁴⁹ “The principal seems to accept this as part of his life,” the teacher said.²⁵⁰

Explaining why government forces target teachers at Islamic schools, the *tadika* teacher told Human Rights Watch: “Teaching children about [Jawi language and Malay culture] is seen by the military as a form of insubordination and disobedience and as an incitement of the insurgency. My school does not even have history courses. Simply teaching children in the Malay language is seen as a form of insubordination.”²⁵¹

At this *tadika*, soldiers have interfered with instruction:

Last time they came and sat in my class was last October [2009], and they monitored what I was saying. It was special force soldiers with red berets, and they were armed. They took photos of me and the students while I was teaching my class of 6 to 12 year olds.... [The] soldiers spoke to the students after I left for another class ... and asked the students what things the teacher taught them. It terrified me.... Rangers ... also come to the school every two weeks. The Rangers explain to me that they’re on patrol and stopped at the school to talk to the teachers—[and ask them] how many children turn up—just “small talk.”

I held a summer camp at the school last year, but the soldiers were suspicious, so they sent soldiers to take over the activities. And in the end, we had all these armed soldiers on school grounds doing all the activities. The intention was to teach Islamic ethics and the Islamic way of life. But it ended up with the Buddhist soldiers who couldn’t teach that, so they supervised the teachers who taught those subjects. They said they were there to look after the school. How could you say no to that? If you do, or if you ask too many questions, the teacher will be in trouble. It will be interpreted as resistance.²⁵²

²⁴⁹ Human Rights Watch interview with Mustafa S., teacher, location withheld, March 30, 2010.

²⁵⁰ Human Rights Watch interview with Mustafa S., teacher, location withheld, March 30, 2010.

²⁵¹ Human Rights Watch interview with Mustafa S., teacher, location withheld, March 30, 2010.

²⁵² Human Rights Watch interview with Mustafa S., teacher, location withheld, March 30, 2010.

Case Study: Daloh Pondok, Yaring District, Pattani

The *pondok* in Daloh, Pattani is a residential school with around 300 students, who range in age from 16 to the 20s, and some are even older.

On August 1, 2008, between 200 and 250 soldiers and police entered the school grounds unannounced, in search of four alleged insurgents who they believed were hiding at the school. A gunfight broke out between the suspects and the security forces, leaving one of the suspects dead, while the other three were apprehended (see figure 5). The school's principal, Kareem Naknawa, lives right near the school and told Human Rights Watch his recollections of the day:

That day four men had shown up.... They were not students here, but these four men had been seen around here before, and I thought they might be relations of some of the students who board here, as they occasionally invite relations to stay with them, so they didn't make me suspicious....

Around 3 p.m., I was preparing for the evening teaching, when I heard gunfire from the school, and I thought that there must be a raid, which was a violation of the local agreement that if there was going to be a raid they had to contact the principal first and give a list of suspects so the principal could bring them out to avoid them going in and shooting.

The gunfight lasted about 15 minutes. I thought there must have been more than 200 gunshots.... When I got to the school, I saw that about 70 of my students were there with their shirts off and with their hands tied behind their backs, lying on the ground.... The soldiers explained that they had to tie up my students ... because they feared there would be an uprising because they had broken into the *pondok*, so they had to take preemptive measures.²⁵³

According to the principal, approximately 100 students were taken away to a Border Patrol police station for forensic testing, but were all returned because no evidence of gunpowder or explosives were found on them.²⁵⁴

²⁵³ Human Rights Watch interview with Kareem Naknawa, principal, Daloh *pondok*, Taring, Pattani, March 25, 2010.

²⁵⁴ Human Rights Watch interview with Kareem Naknawa, principal, Daloh *pondok*, Taring, Pattani, March 25, 2010.



Within four days, local police and provincial officials met with the principal to apologize for the raid. But the principal was concerned that even though all the students were exonerated, damage was still done:

The reputation of the school and the reputation of the students who were taken away [was damaged]. This *pondok* is very old—older than 100 years—and what happens in one day can destroy all that. No one will ever forget ... how the authorities treated this *pondok*.... It will take generations to heal this.²⁵⁵

Figure 5: The principal at the pondok at Daloh, Pattani holds some of the spent bullet casings picked up following the government raid on his Islamic boarding school on August 1, 2008. © 2010 Bede Sheppard/Human Rights Watch

The principal estimated that more than 200 students left the school in the wake of the raid. “Many of my students after this incident were badly shaken, so they decided to leave the *pondok* and go home,” he said. He estimated that about half of the students who left have now returned.²⁵⁶

²⁵⁵ Human Rights Watch interview with Kareem Naknawa, principal, Daloh *pondok*, Taring, Pattani, March 25, 2010.

²⁵⁶ Human Rights Watch interview with Kareem Naknawa, principal, Daloh *pondok*, Taring, Pattani, March 25, 2010.

VIII. Recommendations

To Armed Separatist Groups:

- Immediately cease all attacks against civilians, regardless of their religion, ethnicity, and profession, including against teachers and other education personnel.
- Immediately cease all attacks against civilian objects, including schools.
- Immediately cease all recruitment of individuals under 18 years old.
- Cease all attacks that do not discriminate between combatants and civilians, and take all feasible precautions in the choice of means and methods of attack against military objectives to avoid or minimize harm to civilians and civilian objects.
- Do not shelter or hide individuals or weapons within school grounds if it places civilians at unnecessary risk.

Elders and commanders within the separatist movement should issue statements and disseminate pamphlets and leaflets explaining and endorsing the above recommendations.

To the Thai Government:

Regarding attacks on teachers and education personnel

- Ensure that teachers have full discretion to decide whether or not to participate in security escorts or convoy travel.
- Ensure that it is mandated that both principals and teachers are regularly and formally consulted regarding the security provided to schools and teachers.
- Assess the effectiveness and, if appropriate, expand the security procedures enacted in Yala province for teachers on their way to and from school, whereby security is provided along the roadway rather than to specific individuals.

Regarding military and paramilitary occupation of schools

- Prohibit security forces from using school buildings or school grounds for camps, outposts, or bases where it could deprive children of their right to a quality education under Thai and international law.
- Ensure that security forces take all feasible precautions to protect children and other civilians under their control against the effects of attack by removing them from the vicinity of occupied schools.

- Provide, any time a school is occupied, immediate temporary resources (such as pre-fabricated units or tents), complete with all necessary facilities such as blackboards, desks, chairs, and educational materials, serviced with both drinking water and toilets, at a safe alternative location, so that classes can continue immediately and safely, and away from the security forces.
- Promptly form an Inter-Ministerial Working Group that includes appropriate representatives of the Ministry of Education, the Ministry of the Interior, the Ministry of Defense, the Ministry of Labor and Social Welfare, provincial Child Protection Committees, and the National Human Rights Commission. The Working Group should:
 - Visit each village where a school is currently or was recently occupied by security forces to meet, separately, with school principals, teachers, current and former students, parents, village leaders, and local police to determine what additional services the school and students may require to address the disruption to their education, and take appropriate action.
 - Based on these consultations, publish a list of “lessons learned” with recommendations on the appropriate government response to security force occupations of schools in the future.
- Establish a monitoring mechanism to track every occupation of a school by security forces, including the date of occupation, the duration of occupation, the force conducting the occupation, the number of individuals stationed at the school, the expected date of exit, and the justification for the occupation. In every instance of an occupation of a school, design a plan to return the school to its educational purpose as soon as possible. Take all remedial action to minimize the disruption to children’s education.
- Develop strict guidelines regulating the use of school buildings by paramilitary and military forces, by taking all feasible precautions to minimize harm to the school, students, teachers, and administrators. The guidelines should call upon the security forces to:
 - Provide the earliest feasible notification to local officials and school principals so as to improve opportunities for local communities to propose alternative sites for occupation and to develop strategies to minimize disruption to students’ education.
 - To maximize monitoring and transparency, provide immediate notification of the occupation, the justification for the occupation, the size and extent of the occupation, and the expected date of exit, to the Ministry of Education and the National Human Rights Commission, and the National Child Protection Committee.

- Fully investigate allegations of harassment or violence by security forces against children and school officials and appropriately discipline or prosecute those responsible, regardless of rank.
- When leaving a school, return it to the same condition, or better, than it was prior to occupation, including the removal of all vestiges of occupation, such as sentry posts and barbed wire, and provide compensation to students detrimentally affected.

Regarding attacks on schools

- Ensure advance rapid response systems are prepared and adequate, so that when attacks occur, schools are quickly repaired or rebuilt, and destroyed educational material replaced, so that children can return to school as soon as possible. During reconstruction, students should receive an alternative delivery of education and, where appropriate, psychosocial support.
- Fully investigate all attacks on schools to identify and prosecute the perpetrators.
- Ratify the Rome Statute of the International Criminal Court, which prohibits intentionally directing attacks against buildings dedicated to education as a war crime, provided they are not military objectives, during international and internal armed conflicts.

Regarding school raids and mass arrests of students

- Fully investigate allegations of harassment or violence by security forces against children or teachers and appropriately discipline or prosecute those responsible, regardless of rank.
- Ensure that all arrests and detentions, including under the emergency decree and martial law provisions, are carried out in accordance with Thailand's obligations under the International Covenant on Civil and Economic Rights and the Convention on the Rights of the Child.
- Issue a decree clarifying that provisions of the Act for the Establishment of and Procedure for Juvenile and Family Court and sections pertaining to the arrest, detention, and trial of children in the Criminal Procedure Code remain in effect under a state of emergency.
- Except where there are immediate security concerns, refrain from arresting students, teachers, or any individual on school premises.
- Unless security considerations require otherwise, military and paramilitary forces should defer to local police and district officials in conducting searches on school grounds.

School administrators and local officials should be notified in advance of searches and be present when they are being conducted to ensure transparency of the process.

- Except when necessary for security, military and paramilitary forces should not carry weapons onto school premises.

Regarding poor educational outcomes in the southern border provinces

- To improve education and educational opportunities for all students in the southern border provinces, enact the recommendations contained in the final report of the National Reconciliation Commission as they apply to government schools, private Islamic schools, and *pondoks*.

To the UN Special Representative to the Secretary-General on Children and Armed Conflict:

- Request an invitation from the Thai government to visit the southern border provinces to assess the impact of the conflict on children and meet with representatives of parties to the conflict regarding their obligations under international law.

To the United Nations Children’s Fund (UNICEF):

- Establish a mechanism in cooperation with nongovernmental organizations and other UN agencies to monitor attacks on education and other abuses committed against children in the context of the conflict, including the recruitment and use of children as soldiers.

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Aruna Kashyap, *Alan R. and Barbara D. Finberg Fellow*
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Appendix

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Mr. Chaleo Yoosimaruk
Permanent Secretary
Ministry of Education
1st, Floor Ratchawanlop Bldg.
Thanon Ratchadamnoen Nok,
Dusit, Bangkok 10300

Fax: +66 2281 9752

April 5, 2010

Human Rights Watch research on education in Pattani, Yala, and Narathiwat

Dear Mr. Chaleo Yossimaruk,

I am a researcher in Human Rights Watch's Children's Rights Division. Human Rights Watch is an international, nongovernmental organization that monitors the compliance of countries with their obligations under international human rights law. Last year we conducted work in over 70 countries around the world.

Human Rights Watch is currently researching the issue of education in Thailand's provinces of Pattani, Yala, and Narathiwat, including issues such as access to education, curriculum, educational outcomes, and the impact of the security situation on both students and teachers.

We would be very interested in learning about your Ministry's activities and perspectives on these issues so that we can include them accurately in our reporting. Would you be able to recommend someone within your Ministry with whom I could meet to discuss these matters? I will be in Bangkok and available to meet whomsoever you recommend during the following times: the

afternoon of Tuesday, 6 April, 2010; the morning of Wednesday, 7 April, 2010; late afternoon of Thursday, 8 April, 2010; and all Friday, 9 April, 2010. In addition, if necessary I would also be available to have such a conversation by telephone anytime after this week.

We would also to inquire as to whether your Ministry would be willing share with Human Rights Watch some important data relating to educational access and outcome in these three southern border provinces, which would be of extreme help for our analysis. I have included a list of the data that we are requesting at the end of this letter, should your Ministry be able to be of assistance.

I can be reached best by email at sheppab@hrw.org, as well as by mobile phone until 10 April 2010 on 08 43 27 30 96, or by fax at +1 212 736 1300. After 10 April, I can be reached by telephone instead at +1 212-377-9416, or by mail to Human Rights Watch, 350 Fifth Avenue, 34th floor, New York, NY 10118, USA.

Thank you for your kind consideration and assistance.

Sincerely,



Bede Sheppard

Researcher
Children's Rights Division
Human Rights Watch

Requested Data

Stats regarding Education in Pattani, Yala, and Narathiwat:

Number of government schools in Pattani, Yala, and Narathiwat for each year 1999-2009
Number of private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Total enrollment in government schools in Pattani, Yala, and Narathiwat for each year 1999-2009
Total enrollment in private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Student enrollment rate in government schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Student enrollment rate in private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Student enrollment rate in government schools in rest of country for each year 1999-2009

Student attendance rate in government schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Student attendance rate in private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Student attendance rate in government schools in rest of country for each year 1999-2009

Teacher attendance rate in government schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Teacher attendance rate in private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Teacher attendance rate in government schools in rest of country for each year 1999-2009

Teacher-to-student ratio in government schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Teacher-to-student ratio in private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Teacher-to-student ratio in government schools in rest of country for each year 1999-2009

Teacher turnover rate in government schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Teacher turnover rate in private Islamic schools in Pattani, Yala, and Narathiwat for each year 1999-2009

Teacher turnover rate in government schools in rest of country for each year 1999-2009

Stats regarding violence against educational personnel and property:

Number of government schools damaged in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of private Islamic schools damaged in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Average time to repair/reconstruct schools damaged in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of teachers from government schools killed in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of teachers from private Islamic schools killed in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of teachers from government schools injured in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of teachers from private Islamic schools injured in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of non-teacher education personnel (e.g. managers, janitors, other non-teacher employees) from government schools killed in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of non-teacher education personnel from private Islamic schools killed in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of non-teacher education personnel from government schools injured in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of non-teacher education personnel from private Islamic schools injured in attacks in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of government schools raided by government security forces in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of private Islamic schools raided by government security forces in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of government schools protected by government security forces (police, paramilitary, or military) located within school grounds in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of private Islamic schools protected by government security forces (police, paramilitary, or military) located within school grounds in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of government schools where government security forces (police, paramilitary, or military) have a base or camp located within school grounds in Pattani, Yala, and Narathiwat for each year 2004-2009

Number of private Islamic schools where government security forces (police, paramilitary, or military) have a base or camp located within school grounds in Pattani, Yala, and Narathiwat for each year 2004-2009

Average duration of protection provided to schools by government security forces (police, paramilitary, or military) located within school grounds in Pattani, Yala, and Narathiwat for each year 2004-2009

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Governor Thanon Vejkorakanont
Narathiwat Provincial Office
Pichitbamrung Road
A. Muang, Narathiwat 96000
THAILAND

Fax: +66 73 514 320 ext. 76029

May 4, 2010

Human Rights Watch research on Narathiwat

Dear Governor Vejkorakanont,

Human Rights Watch is currently conducting research into how children's education in Narathiwat is being affected by the current violence in the southern border provinces. We will soon be issuing a report based on information collected during research we conducted in March and April. Before we issue this report, however, we wish to solicit your comments and views on these issues, in order to ensure that your perspective is reflected in our work.

Human Rights Watch is one of the world's leading independent organizations dedicated to defending and protecting human rights. Human Rights Watch is a nonprofit, nongovernmental organization. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 80 countries.

In particular, we would like to receive any information that you are able to share with regards to the following:

1) What effect do you assess that insurgent/militant attacks on schools are having on children's ability to access an education in Narathiwat?

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- 2) What effect do you assess that insurgent/militant attacks on teachers are having on children's ability to access an education in Narathiwat?
- 3) What effect do you assess that the presence of security forces (police, paramilitary, or military) within school grounds is having on children's ability to access an education?
- 4) What effect do you assess that searches and raids carried out by security forces on the grounds of either Islamic private schools or pondoks have on children's ability to access an education?

Finally, we would appreciate your assistance in obtaining the following statistics, so that we can accurately represent the situation in your province, in comparison to the other southern border provinces:

Statistics regarding security forces within school grounds:

- 1) As of April 2010, how many schools have security forces (police, paramilitary, or military) based or camped—that is, with a 24-hour presence—within the school grounds primarily for the protection of the school or the school's teachers?
- 2) As of April 2010, how many schools have security forces (police, paramilitary, or military) based or camped—that is, with a 24-hour presence—within the school grounds, for purposes other than primarily providing protection to the school or the school's teachers?
- 3) What is the average duration of protection provided to schools by government security forces (police, paramilitary, or military) located within school grounds in Narathiwat?

Statistics regarding violence against educational personnel and property:

- 1) As of April 2010, teachers at how many schools were receiving escort protection from security forces (police, paramilitary, or military) on their way to and from school?
- 2) How many government schools were damaged in attacks in Narathiwat for each year 2004-2009?
- 3) What is the average time to repair/reconstruct schools damaged in attacks in Narathiwat?

- 4) How many teachers from government schools were killed in Narathiwat for each year 2004-2009? How many were injured in attacks?
- 5) How many teachers from private Islamic schools were killed in Narathiwat for each year 2004-2009? How many were injured in attacks?
- 6) How many non-teacher education personnel (e.g. managers, janitors, other non-teacher employees) from government schools were killed in Narathiwat for each year 2004-2009? How many were injured?
- 7) How many non-teacher education personnel from private Islamic schools were killed in Narathiwat for each year 2004-2009? How many were injured?
- 8) How many government schools were raided/searched by government security forces in Narathiwat for each year 2004-2009?
- 9) How many private Islamic schools or pondoks were raided/searched by government security forces in Narathiwat for each year 2004-2009?

Statistics regarding education in Narathiwat:

- 1) How many government schools were there in Narathiwat for each year 1999-2009? How many private Islamic schools?
- 2) What was the total enrollment in government schools in Narathiwat for each year 1999-2009? What was the total enrollment in private Islamic schools?
- 3) What was the student enrollment rate in government schools in Narathiwat for each year 1999-2009? What was the student enrollment rate in private Islamic schools?
- 4) What was the student attendance rate in government schools in Narathiwat for each year 1999-2009? What was the student attendance rate in private Islamic schools?
- 5) What was the teacher attendance rate in government schools in Narathiwat for each year 1999-2009? What was the teacher attendance rate in private Islamic schools?
- 6) What was the teacher-to-student ratio in government schools in Narathiwat for each year 1999-2009? What was the teacher-to-student ratio in private Islamic schools?

7) What was the teacher turnover rate in government schools in Narathiwat for each year 1999-2009? What was the teacher turnover rate in private Islamic schools?

Any information that you provide to us by June 10, 2009, would reach us in time for it to be reflected in our upcoming report. I can be reached by email at bede.sheppard@hrw.org, by fax to +1 212 736 1300, or by mail at Human Rights Watch, 350 Fifth Avenue, 34th floor, New York, NY 10118-3299, U.S.A.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Sheppard". The signature is fluid and cursive, with the first letter of the last name being a large, prominent capital 'S'.

Bede Sheppard
Asia Researcher
Children's Rights Division
Human Rights Watch

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Pattani 94000
THAILAND

Fax: +66 73 335 917

May 4, 2010

Human Rights Watch research on Pattani

Dear Governor Siyaphan,

Human Rights Watch is currently conducting research into how children's education in Pattani is being affected by the current violence in the southern border provinces. We will soon be issuing a report based on information collected during research we conducted in March and April. Before we issue this report, however, we wish to solicit your comments and views on these issues, in order to ensure that your perspective is reflected in our work.

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In particular, we would like to receive any information that you are able to share with regards to the following:

1) What effect do you assess that insurgent/militant attacks on schools are having on children's ability to access an education in Pattani?

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- 2) What effect do you assess that insurgent/militant attacks on teachers are having on children's ability to access an education in Pattani?
- 3) What effect do you assess that the presence of security forces (police, paramilitary, or military) within school grounds is having on children's ability to access an education?
- 4) What effect do you assess that searches and raids carried out by security forces on the grounds of either Islamic private schools or pondoks have on children's ability to access an education?

Finally, we would appreciate your assistance in obtaining the following statistics, so that we can accurately represent the situation in your province, in comparison to the other southern border provinces:

Statistics regarding security forces within school grounds:

- 1) As of April 2010, how many schools have security forces (police, paramilitary, or military) based or camped—that is, with a 24-hour presence—within the school grounds primarily for the protection of the school or the school's teachers?
- 2) As of April 2010, how many schools have security forces (police, paramilitary, or military) based or camped—that is, with a 24-hour presence—within the school grounds, for purposes other than primarily providing protection to the school or the school's teachers? For example, the presence of security forces at the following schools may possibly fall into this category: Banklongchang Elementary School, Mayo district; Koktanod Elementary School, Notchik district; Pakalesong Elementary School; Ban La Ar Elementary School; Pulakasing Elementary School, Mayo district.
- 3) What is the average duration of protection provided to schools by government security forces (police, paramilitary, or military) located within school grounds in Pattani?

Statistics regarding violence against educational personnel and property:

- 1) As of April 2010, teachers at how many schools were receiving escort protection from security forces (police, paramilitary, or military) on their way to and from school?
- 2) How many government schools were damaged in attacks in Pattani for each year 2004-2009?

- 3) What is the average time to repair/reconstruct schools damaged in attacks in Pattani?
- 4) How many teachers from government schools were killed in Pattani for each year 2004-2009? How many were injured in attacks?
- 5) How many teachers from private Islamic schools were killed in Pattani for each year 2004-2009? How many were injured in attacks?
- 6) How many non-teacher education personnel (e.g. managers, janitors, other non-teacher employees) from government schools were killed in Pattani for each year 2004-2009? How many were injured?
- 7) How many non-teacher education personnel from private Islamic schools were killed in Pattani for each year 2004-2009? How many were injured?
- 8) How many government schools were raided/searched by government security forces in Pattani for each year 2004-2009?
- 9) How many private Islamic schools or ponds were raided/searched by government security forces in Pattani for each year 2004-2009?

Statistics regarding education in Pattani:

- 1) How many government schools were there in Pattani for each year 1999-2009? How many private Islamic schools?
- 2) What was the total enrollment in government schools in Pattani for each year 1999-2009? What was the total enrollment in private Islamic schools?
- 3) What was the student enrollment rate in government schools in Pattani for each year 1999-2009? What was the student enrollment rate in private Islamic schools?
- 4) What was the student attendance rate in government schools in Pattani for each year 1999-2009? What was the student attendance rate in private Islamic schools?
- 5) What was the teacher attendance rate in government schools in Pattani for each year 1999-2009? What was the teacher attendance rate in private Islamic schools?

6) What was the teacher-to-student ratio in government schools in Pattani for each year 1999-2009? What was the teacher-to-student ratio in private Islamic schools?

7) What was the teacher turnover rate in government schools in Pattani for each year 1999-2009? What was the teacher turnover rate in private Islamic schools?

Any information that you provide to us by June 10, 2009, would reach us in time for it to be reflected in our upcoming report. I can be reached by email at bede.sheppard@hrw.org, by fax to +1 212 736 1300, or by mail at Human Rights Watch, 350 Fifth Avenue, 34th floor, New York, NY 10118-3299, U.S.A.

Sincerely,

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Bede Sheppard
Asia Researcher
Children's Rights Division
Human Rights Watch

Acknowledgments

This report was written by Bede Sheppard, senior researcher in the Children's Rights Division of Human Rights Watch, based on research by the author and Sunai Phasuk, senior researcher in the Asia Division.

The report was edited by Zama Coursen-Neff, deputy director of the Children's Rights Division; Sunai Phasuk, senior researcher in the Asia Division; Phil Robertson, deputy director of the Asia Division; James Ross, Legal and Policy director; and Robin Shulman, consultant to the Program Office.

Kyle Knight, coordinator in the Children's Rights Division provided editing and production assistance. Anna Lopriore, creative manager; Ella Moran, video and photography manager; Grace Choi, publications director; and Fitzroy Hepkins, mail manager, provided production assistance.

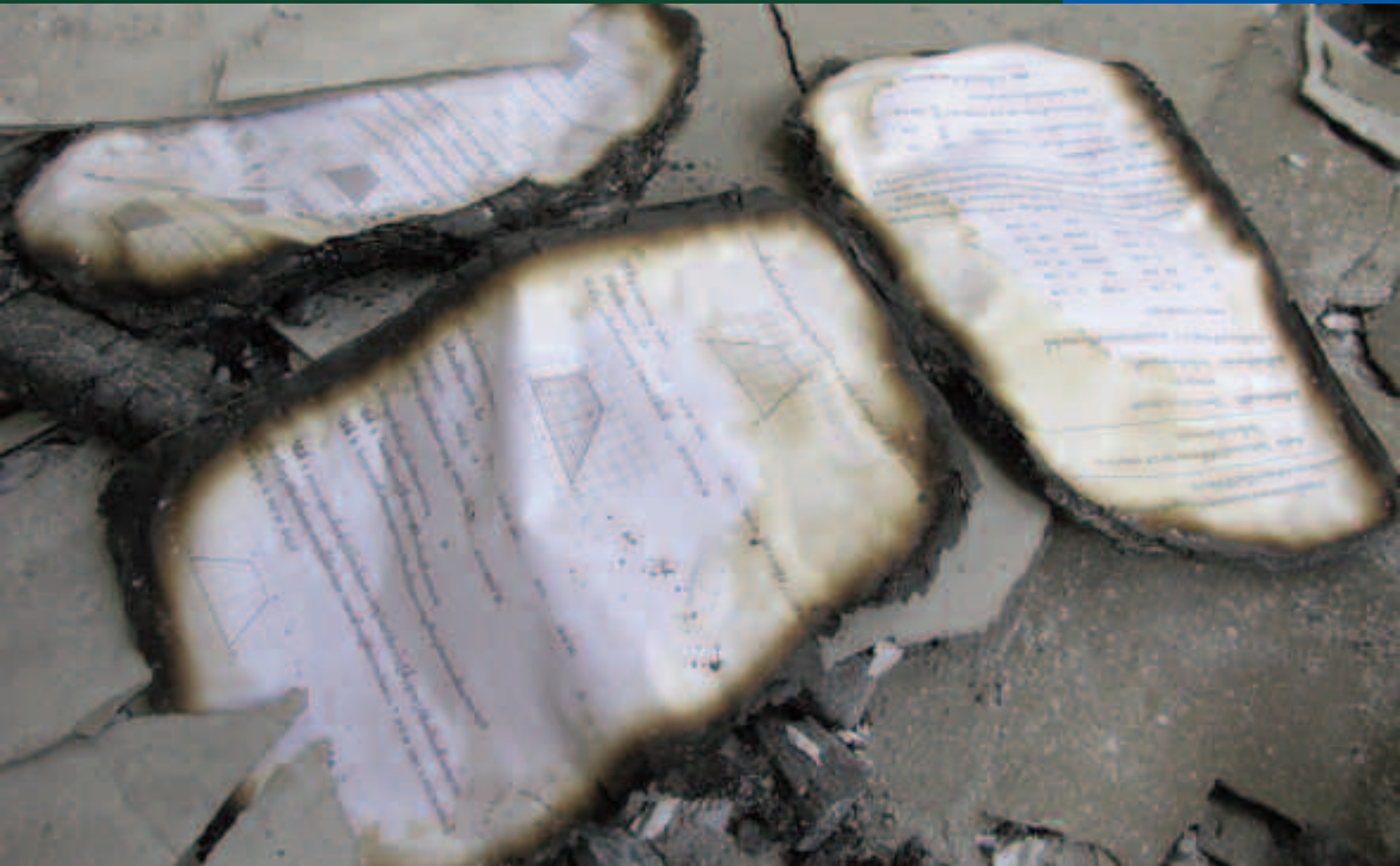
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“I had nothing against the soldiers when they were outside the school... . But when they moved into the school, I feared there would be an attack on the school so that is the reason I withdrew my children.”

THE MOTHER OF A STUDENT AT BAN KLONG CHANG
ELEMENTARY SCHOOL, PATTANI

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“Targets of Both Sides”

Violence against Students, Teachers, and Schools in Thailand’s Southern Border Provinces

Students, teachers, and schools have all been caught in the middle of the conflict in Thailand’s southern border provinces of Pattani, Yala, and Narathiwat. Separatist insurgents have threatened and killed teachers, including both ethnic Thai Buddhists and Malay Muslims; bombed and burned government schools and teachers’ housing facilities; and recruited children into their ranks from schools. Government military and paramilitary forces occupied school buildings and school grounds for use as bases and have carried out disruptive searches and raids on Islamic schools. Based on extensive field research, this report documents how such violations by both sides to the conflict have impeded the access to a quality education sought by hundreds of thousands of children in the southern border provinces – Thai Buddhist and Malay Muslim alike.

(front cover) A student at Ban Klong Chang Elementary School, Pattani, waits as a paramilitary Ranger looks through his homework. Approximately 30 Rangers have established a camp in the back of the school compound. Local parents told us that they had removed their children from the school due to safety concerns caused by the arrival of the Rangers.

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(above) Scorched pages from a school textbook litter a floor in Ban Ba Ngo Elementary School, Pattani, set alight by insurgents on March 19, 2010.

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