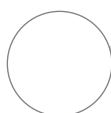


Final Report of Truth for Reconciliation
Commission of Thailand
(TRCT)
July 2010 – July 2012



Final Report of Truth for Reconciliation Commission of Thailand (TRCT) July 2010 - July 2012

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1. Truth for Reconciliation Commission of Thailand -- Investigation and Truth-Seeking
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The regulation of the Office of the Prime Minister relating to Investigation and Truth-seeking for National Reconciliation B.E. 2553 established the Truth for Reconciliation Commission of Thailand (TRCT). The Commission was headed by Professor Dr. Kanit Nanakorn and eight other suitably qualified commissioners. TRCT was established to carry out investigations and truth-seeking into the root causes of the problems, conflict, and violent clashes that occurred; to create mutual understanding and determine solutions which would lead to the prevention of further violence and damage; and to promote enduring reconciliation in Thailand. The period for the Commission's proceedings was fixed at 2 years – from 17 July, 2010 to 16 July, 2012.

Throughout the full period of its operation; TRCT carried out research, provided forums for sharing information and opinions and carried out direct field work to support investigations and truth-seeking. The Commission studied the root causes of the conflict, appropriate remedies and restoration, and measures to reduce conflict and promote reconciliation within the country by stressing public participation and by producing interim reports every six months which were presented to the Cabinet and to the public. There have been three interim reports. The first covered the period 17 July, 2010 – 16 January, 2011; the second interim report covered 17 January – 16 July, 2011; and the third interim report covered July, 2011 – March, 2012. These reports present the results of investigations and studies as well as recommendations to the government and related agencies. The reports also were distributed to the public to up-date them on the progress of the Commission.

This Final Report of the Truth for Reconciliation Commission of Thailand (TRCT) is a summary of the operation of TRCT throughout the last two years. It commences with basic information about TRCT including budget, personnel, and cooperation with agencies from both within Thailand and overseas. The report progresses on to investigations and truth-seeking, research into the root causes of the conflict, restoration and rehabilitation, and recommendations on ways to build reconciliation in Thailand. Recommendations have been divided into urgent, short-term, and long-term.

TRCT would like to thank all those who supported the procedures of TRCT as well as helped to broaden our thinking and keep the public informed throughout the past two years. Even though the period set for TRCT's activities has come to an end, the building of reconciliation in our country will take time and will require sincere and tangible cooperation among all parties. TRCT hopes that the facts, findings, and recommendations that appear in this final report will be an important step forward for all concerned. Further, that it will

enable all parties and the public to develop an understanding based on the same body of fact and information to cooperate together in building reconciliation in our country in the future.

Truth for Reconciliation Commission of Thailand (TRCT)
September, 2012

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



Contents

	page
Foreword	III
PART 1 Basic Information about the Commission	1
1.1 Establishment of TRCT	3
1.1.1 Background and establishment	3
1.1.2 Appointing the commission	3
1.1.3 Duties and authority	5
1.1.4 Principles, concepts, and procedures of TRCT	5
1.1.5 Appointing consultants	8
1.2 Administration and Management	9
1.2.1 Personnel	9
1.2.2 Budget	9
1.2.3 Problems and obstructions	11
1.3 Cooperation with Other Agencies	12
1.3.1 Agencies in Thailand	12
1.3.2 International cooperation	13
1.4 Main Activities of the Commission	17
1.4.1 Activities of TRCT	17
1.4.2 Activities of Sub-commissions	23
1.4.2.1 Investigation and Truth-seeking Sub-commission	23
1.4.2.2 Restoration, Rehabilitation and Conflict Prevention Sub-commission	25
1.4.2.3 Research and Academic Activities Sub-commission	29
1.4.2.4 Strategies for Reconciliation Sub-commission	32

PART 2 Summary of Incidents of Violence and Violations of Rights 37

2.1 Introduction 39

2.1.1 Proceedings of the Investigation and Truth-seeking Sub-commission 39

2.1.2 Conceptual framework applied in investigation and truth-seeking 40

2.1.3 Conceptual framework for proceedings of the Investigation and Truth-seeking Sub-commission..... 40

2.1.4 Methods of the Investigation and Truth-seeking Sub-commission..... 42

2.1.5 Problems and obstructions in investigation and truth-seeking 45

2.2 Sequence of Events and Political Situation after Promulgation of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) and during 2010 47

2.2.1 Political roles before Declaration of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) 47

2.2.2 Political roles during the period when the Constitution of the Kingdom of Thailand B.E. 2540 (1997) was in force 47

2.2.3 The coup de'tat of 19 September, 2006 53

2.2.4 Political roles during the period that the Constitution of the Kingdom of Thailand B.E. 2550 (2007) was in force 56

2.2.5 Political occurrences and violence in 2009 58

2.2.6 Important political events and occurrences of violence between January-March, 2010 62

2.2.7 Sequence of occurrences of violence during April-May, 2010 69

2.3 Investigative Findings Relating to Specific Incidents of Violence During April-May 2010 88

2.3.1 Violence at Thaicom Satellite station on 9 April 2010 89

2.3.2 Violence in incidents on 10 April 2010 at Makhawan Rangsang Bridge, Somdej Phrapinklao Bridge, Kok-wua Intersection, in front of Satri Wittaya School, and in Dusit Zoo 92

2.3.3	UDD ends the demonstration on Ratchadamneon Avenue and moves it to Ratchaprasong Intersection only where the demonstration begins to gain strength	115
2.3.4	28 April 2010 – Violence in the area of the National Memorial	117
2.3.5	13 April - 13 May 2010: Violence in the area of Saladaeng Intersection before the Center for the Resolution of Emergency Situations (CRES) blocked the demonstration area	119
2.3.6	CRES blockade the UDD demonstration and violence during the blockade from 13-18 May 2010	122
2.3.7	Death of Major General Khattiya Sawasdipol on 13 May 2010	123
2.3.8	Smaller demonstrations and violence outside the security force blockade	128
2.3.9	Violence in the Saladaeng–Silom–Lumpini Park–Rama IV Road–Bonkai–Withayu Road during the blockade from 13-18 May 2010.....	129
2.3.10	Incidents in the area of Ratchaprarop Road, the Dindaeng Triangle and Victory Monument during period 13-18 May 2010	136
2.3.11	Violent incidents on 19 May 2010.....	147
2.3.12	Incident at Pathumwanaram Temple on 19 May 2010	154
2.3.13	Arson in Bangkok	160

2.4	Regarding the Appearance of “men in black” in Demonstration Areas, Who Used Violence and Combat Weapons.....	165
2.4.1	Violence on 10 April 2010	166
2.4.2	Violent incidents in Rama 4 Road–Bonkai and Ratchaprarop Road areas	166
2.4.3	References made in a Rally Speech in January 2010 to “Independent Forces whose side in the Conflict was not know”.....	168
2.4.4	Instances of sabotage and destruction	169

2.5 Findings Concerning Demonstrations between March and May 2010	169
2.6 Use of Force and Weapons in Controlling Crowds and Dispersing Demonstrations	187
2.7 Findings Concerning Disappearances, Torture and Rape.....	210
PART 3 Reasons and Root Causes of the Conflict	215
3.1 Background and Significance	217
3.2 Research Methods and Procedures	217
3.3 Analysis of Root Causes of the Conflict in Thai Society.....	219
3.3.1 Beginnings or Initial Growth of the Conflict (Latent Tension).....	220
3.3.2 Period of overt conflict.....	222
3.3.3 Period of power struggle and violence.....	226
3.4 Summary.....	235
PART 4 Restoration and Rehabilitation of Victims.....	237
4.1 Theory, Procedural Concepts, Restoration, Rehabilitation and Prevention of Violence in Situations of Political Unrest	239
4.1.1 Definition and meaning of reparation	239
4.1.2 Importance of reparations	239
4.1.3 Characteristics and types of reparation	240
4.1.4 Persons eligible to receive reparations	241
4.1.5 Persons responsible for providing reparations	242
4.2 Legal Measures for Restoration in Other Countries	243
4.3 Methods and Principles of Providing Restoration to Those Affected by Incidents of Violence	243
4.3.1 Legal measures related to setting methods and criteria for restoration in Thailand	244
4.3.2 Restoration for losses sustained in political violence	244
4.3.2.1 Non-monetary forms of restoration	244
4.3.2.2 Financial forms of restoration	245
4.4 Organizations and Methods of Restoration for Those Affected by Political Violence	253

4.5 Summary Report on Restoration Provided to People Affected by Incidents in Political Demonstrations	255
--	-----

PART 5 Recommendations	261
-------------------------------------	------------

5.1 Recommendation on Using the Facts about the Events and Root Causes of the Conflict as a Lesson in Reconciliation-Building.....	263
5.2 Recommendations Relating to the Adaptation of Transitional justice	266
5.3 Recommendations Concerning the Rule of Law and System of Justice.....	271
5.4 Recommendations Concerning Democracy, Good Governance and Respect for Human Rights in Thai Society.....	277
5.5 Recommended Solutions to the Fundamental Problems in Thai Society.....	279
5.6 Recommendations Concerning Constitutional Amendment.....	280
5.7 Recommendations Concerning the Monarchy.....	281
5.8 Recommendations Concerning the Media	284
5.9 Recommendations Concerning the Military.....	288
5.10 Recommendations Concerning Demonstrations and Human rights	289
5.11 Recommendations Concerning the Role and Protection of Medical Units, Nurses, Disaster Relief Units that Provide Humanitarian Assistance in Conflict Situations.....	294
5.12 Recommendations Concerning Religion.....	296
5.13 Recommendations Concerning the Dissemination of the Final Report.....	297
5.14 Implementing TRCT Recommendations	298

Executive Summery	311
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NOTE : English Translations of appendices are not included in this report

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



คณะกรรมการอิสระตรวจสอบ
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Truth for Reconciliation Commission of Thailand



TRCT



PART

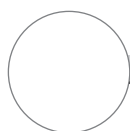
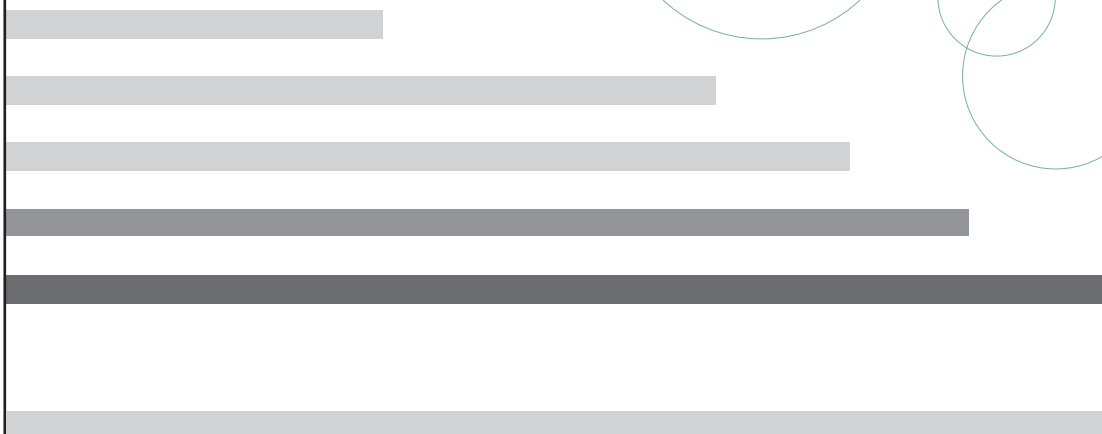
Basic Information about the Commission

1

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



1.1 Establishment of TRCT

1.1.1 Background and Establishment

The unrest and violence that occurred in Thailand, particularly during April and May 2010, led to great loss and damage to our nation and had a negative impact on every part of our society. Following the unrest, many people in Thailand and in the international community wanted an explanation of the incidents and the issues surrounding them. In order to provide such an explanation, the incidents must be investigated to clearly determine the truth about the root causes of the conflict and violence; whether related to violence in political demonstrations, violations of human rights, loss of life, physical or mental injuries, loss of property, or other forms of damage that occurred. Such an investigation should help clarify to everyone the reasons for the conflict so that they will better understand why such division occurred in our society. It will also assist us in providing restoration to those affected and help prevent such violence and loss from ever occurring again. TRCT focused on measures based on harmony, restorative and social justice, and rehabilitation and restoration of victims and people who incurred losses or damage. In this way, social wounds can be healed, a culture of unity and peace created, and an acceptance of differences in thinking leading to an enduring reconciliation in Thailand. On 8 June, 2010, the Cabinet agreed to establish an independent Truth for Reconciliation Commission and appointed Professor Dr. Kanit Nanakorn to act as chairman of the commission.¹

1.1.2 Appointing the Commission

On 6 July 2010, the Cabinet agreed to some basic principles presented by Professor Dr. Kanit Nanakorn and passed the Regulation of the Office of the Prime Minister on the Truth for National Reconciliation B.E. 2553.² This regulation called for a commission made up of suitably qualified individuals who would be independent and impartial in carrying out their duties according to the authority, manner, and schedule stipulated in the Regulation, taking into consideration

¹ Most urgent correspondence No.0503/5282, dated 8 June 2010 relating to the proposal to the Cabinet to consider the principles and justification for establishing the Truth for Reconciliation Commission of Thailand. (Appendix 1)

² Regulation of the Office of the Prime Minister on the Truth for National Reconciliation B.E. 2553 (2010) dated 15 July 2010, declared in the Government Gazette, No. 127, Special Section 87 Ngorn, dated 16 July 2010. Came into force on 17 July 2010. (Appendix 2)

their relevant academic fields and experience.

The Regulation of the Office of the Prime Minister on the Truth for National Reconciliation B.E. 2553 appointed Professor Dr. Kanit Nanakorn as Chairman of TRCT. The Chairman appointed another eight commissioners to ensure the impartiality of the Commission. Professor Dr. Kanit Nanakorn selected the commissioners himself from among people that had proven expertise and experience in truth-seeking, restoration, conflict reduction, or prevention of violence and loss. During the selection process, the Chairman felt greatly honored that so many qualified and experienced individuals from various fields expressed their willingness to join TRCT and shoulder the workload of commissioner in addition to their regular responsibilities.

The Truth for Reconciliation Commission and its Secretariat included the following individuals:³

1. Professor Kanit Nanakorn	Commission Chairman
2. Mr. Kittipong Kittayarak	Commissioner
3. Asst. Professor Jutarat Euaumnuay	Commissioner
4. Asst. Professor Decha Sankawan	Commissioner
5. Mr. Manit Suksomjit	Commissioner
6. Professor Dr. Ronnachai Kongsakon	Commissioner
7. Mr. Somchai Homlaor	Commissioner
8. Mr. Sanpasit Koomprapun	Commissioner
9. Asst. Prof. Surasak Likasitwattanakul	Commissioner ⁴
10. Mr. Wisit Wisitsora-at	Secretary ⁵
11. Mr. Vitaya Suriyawong	Assistant secretary
12. Mr. Pireeyut Wanapreuk	Assistant secretary

The Regulation of the Office of the Prime Minister set the following three broad mandates for TRCT:

1) Investigate and determine the truth regarding the violence that occurred during April and May 2010. Also to identify issues which are root causes of the conflict and violence in the country.

2) Recommend both short-term and long-term measures for restoration and rehabilitation based on restorative and social justice for individuals, groups, organizations, and institutions that were affected by the violence so as to promote national reconciliation.

³ TRCT Order No.1/2553, dated 16 July 2010 and TRCT Order No.2/2553, dated 16 July 2010. (Appendix 3)

⁴ Present position is Professor

⁵ Present position is Special Professor

3) Recommend measures to reduce social conflict and prevent future violence and loss from occurring.

1.1.3 Duties and Authority

To ensure that proceedings progressed in the right direction, the Regulation of the Office of the Prime Minister referred to above specified that TRCT produce interim reports every six months and, after completing their investigation, provide a summary of results and recommendations to the Cabinet and to the public. Also, that TRCT carry out research to clarify the root causes of the problems in relation to law, politics, and historical background that brought about the division and violence; organize public forums and meetings to listen to statements and opinions; present findings from investigations and research to the public at regular intervals stressing public participation; report to agencies responsible for providing restoration and compensation to those who incurred losses; and report to agencies responsible for protecting individuals that provided information. Further, the Commission was required to invite representatives from state agencies or others involved to clarify facts or send documents, items, or information needed for consideration; set up sub-commissions or work groups; and employed organizations, groups, or individuals to carry out directives of the Commission. The work of the Commission was to be completed within a period of two years.

Having received these directives, TRCT consulted and brainstormed with academics and experts from Thailand and from overseas on the best way for TRCT to proceed in order to achieve its goal that will lead Thailand to overcome the conflict and promote reconciliation. Even though the situation in Thailand was different from other countries that have faced serious internal conflict, TRCT foresaw a need to implement a form of transitional justice. In Thailand, the conflict was not as violent as in some countries and it was still continuing. However, TRCT believed it was helpful for us to learn from the experience of other countries and to adjust some elements of transitional justice to suit our unique situation. The concept of transitional justice is not well-known in Thailand, and it took time was needed to communicate its meaning to the people so that they could understand it.

1.1.4 Principles, Concepts, and Procedures of TRCT

The Regulation of the Office of the Prime Minister on the Truth for Nation Reconciliation B.E. 2553 appointed Professor Dr. Kanit Nanakorn as Chairman of TRCT. The Chairman appointed another eight commissioners to ensure the impartiality of the Commission. Professor Dr. Kanit Nanakorn selected the commissioners himself from among people that had proven expertise and experience in truth-seeking, restoration, conflict reduction, or prevention of violence and loss. During the selection process, the Chairman felt greatly honored that so many qualified and

experienced individuals from various fields expressed a willingness to join TRCT and shoulder the workload of commissioners in addition to their regular responsibilities

1.1.4.1 TRCT adhered to principle of independence and impartiality by:

1) Giving a priority to investigation procedures and reporting without bias, not presenting just the most popularly-held views or those which have powerful support, nor assuming that the middle-ground view is the correct one.

2) Taking into consideration the relationship between people in Thai society and the social context and background of each party in the conflict.

3) Not getting involved in arguments or disputes between various parties that might result from facts or findings disclosed by TRCT. The facts themselves are impartial.

4) Disclosing facts and findings at appropriate times keeping uppermost in mind the need for social reconciliation.

1.1.4.2 TRCT listened to all useful opinions and to find the way to achieve a consensus agreement to support the procedures of TRCT. Being fully aware that finding an appropriate solution to the problem of conflict in Thai society is an important and sensitive issue, TRCT believes it is important to create a forum in which all related parties can air their views and express their opinions on possible solutions. In this way, TRCT would function as “neutral ground” where all parties can present facts, recommendations, and raise important issues that they believe will lead to social reconciliation. Such a forum also provides opportunities for all parties to express their feelings, desires, and hopes or even to level claims and counter claims against each other. The role of TRCT is to act as an impartial arbitrator, to collect information on the requirements of all parties, and to compile a basic policy that will guide the country to future reconciliation.

1.1.4.3 To prove to the international community that despite such a serious dispute, Thailand is capable of solving this problem through developing their own impartial arbitration in the form of “an independent commission” while at the same time not rejecting appropriate and necessary forms of cooperation from friendly countries, particularly in the area of academic cooperation.

1.1.4.4 To stress in public participation and accountability. TRCT has taken into account the keen interest in the unrest and political situation that exists both within Thailand and the international community. The Commission has also considered the fact that TRCT is an independent and impartial commission which has been mandated by the government to be transparent in its operation. The commission therefore attaches great importance to “public

accountability” so that the Thai public and the international community can trust in the operation of TRCT. In addition to reporting to the government, TRCT also reports to the people of Thailand and to the international community and holds constantly to the principle of public accountability.

1.1.4.5 To be careful not to infringe upon the deliberations of courts of law but at the same time not to be remiss in the duty of the Commission to make recommendations that will promote social reconciliation. TRCT is aware that it is not a court of law, which decides who is wrong and who is right, or what might be appropriate punishment for offenders according to law; but a Commission whose focus is independence and impartiality.

1.1.4.6 To employ principles of transitional justice⁶ in the Commission’s procedures and to modify them where necessary to suit Thailand’s unique situation by learning from many countries that have experienced violent conflict and been unable to use the normal system of justice to solve the problem. The principles of transitional justice are implemented by establishing a commission to investigate and seek the truth and bring about reconciliation. Such a commission is called a “Truth and Reconciliation Commission”. It is generally authorized by sovereign power and is fully-empowered to carry out proceedings to bring about reconciliation,

⁶ Transitional justice is a process implemented in response to serious human rights violations. It is a mechanism for bringing peace, reconciliation and democracy to a society and moving it forward without the reoccurrence of violent events. This process was devised in the late 1980’s in response to political changes in Latin America and Eastern Europe. The objective was to bring justice to the region after widespread human rights violations by old regimes. Later, transitional justice was implemented in many countries that had experienced serious conflict, such as Argentina, Chile, South Africa, El Salvador, Haiti, and East Timor.

Transitional Justice links together the two concepts – transition and justice. Transition is the process of political transformation/ change in a society; for example from authoritarian or repressive rule to democracy; or the transition from social conflict to peace and stability.

Countries implement transitional justice when the normal system of justice cannot be applied to situations of conflict that are more complicated than general crime and when there are many people involved in the incidents, both victims and perpetrators. In situations such as this, enforcing criminal law and the normal system of criminal justice based on punishment of offenders may not lead to overcoming the conflict and bringing peace to the society. Transitional justice develops from looking for a way to overcome the conflict and this can normally be achieved in many different ways. The experiences of other countries show that one or many of the following measures can be implemented depending on what is appropriate to the situation in each country.

1. Criminal Prosecution - prosecution of perpetrators, who must be held accountable for violent events in the past. This is a factor in preventing a recurrence of such violence.

2. Truth Seeking - the process of establishing the truth through investigation, inquiry, and truth-seeking about incidents that have occurred (focus on the past) so as to disclose the truth to victims or to the families of victims and to society in general about the events, as well as available options for affected individuals to express their concerns.

3. Restoration programs - providing assistance, compensation, and treatment to individuals affected by violent events. Restoration can include treatment of mental and physical wounds, compensation for damaged property, and official/state apologies.

4. Memorialisation of victims - the process whereby society recognizes people and events and raises a moral consciousness about the past violent events to help prevent it from happening again. It could be in the form of a museum or a memorial.

5. Institution reform - the process of reforming institutes and agencies that are responsible for human rights violations; for example military personnel, police, media, judicial agencies, etc; to help prevent those institutes or agencies from employing the same procedures which may again cause violence.

6. Reconciliation - bringing the society out of a state of conflict, reconciling differences, and promoting harmony among the people.

including the authority to search for those responsible in the same way as the system of justice. However, TRCT's authority is limited. Its authority is not the same as TRC's in other countries and it is further limited by the fact that it was established by a regulation of the Prime Minister's Office and could therefore be seen as a mechanism of the state.

1.1.4.7 Operation Strategy of TRCT

TRCT's strategy of operation consists of four dimensions as follows:

1) Investigation and truth-seeking. This refers to investigating and seeking for the truth and facts about the violence that occurred during April and May 2010 as well as the root causes of the conflict and violence that had occurred in the country in recent years.

2) Restoration, rehabilitation and violence prevention. This refers to rehabilitation and restoration of organizations, institutions groups, and individuals that were affected by violent incidents using restorative and social justice in order to promote enduring national reconciliation in Thailand and prevent conflict. This requires that understanding be created and that short-term restoration be provided to those affected by violence so as to prevent further violence and loss.

3) Research into the root causes of the conflict. To carry out research that will clarify the root causes of the conflict in terms of the law, political situation, and historical events that influenced the division and violence in recent times.

4) Building reconciliation and preventing further violence.

1.1.5 Appointing Consultants

In order to proceed with the Commission's mandate in a more effective manner it was necessary to rely on the knowledge and ability of people with experience in this area who were suitably qualified and expert in providing guidance and advice to TRCT on various issues. In this regard, TRCT invited six people⁷ from within Thailand and from overseas, who were suitably qualified, experienced, and of proven ability in various areas; to advise TRCT on procedures and help it achieve its goals. These people were:

1. Professor Dr. Surakiat Sathienthai, former Deputy Prime Minister and former Minister of Foreign Affairs.

2. Professor Dr. Chaiwat Satha-anan, professor in the Faculty of Political Science, Thammasart University.

3. Ms. Priscilla Hayner, expert in truth-seeking and transitional justice.

4. N.Hassan Wirajuda, J.S.D., professor in the Faculty of Law, Harvard University, U.S.A.

5. Professor David Kennedy, Ph.D., professor in the Faculty of Law, Harvard University, U.S.A.

⁷

TRCT appointed an Advisory Board and issued a press release on Friday, 23 September 2011 at Siam City Hotel, Bangkok.

6. Honorable Judge Dennis Davis, former judge in Court of Appeals, South Africa.

1.2 Administration and Management

Article 11 of the Regulation of the Office of the Prime Minister on the Truth for National Reconciliation B.E. 2553 states that TRCT will have an office and will be a unit within the Office of Justice Affairs, Ministry of Justice. The Secretary of TRCT will supervise office staff and report directly to the Chairman of TRCT. Article 12 states that the TRCT Office is responsible for providing administrative assistance in organizing and supporting the Commission's activities and research and for organizing meetings and conferences, public relations, and secretarial duties of the Commission, Sub-commissions, and work groups. Also, to monitor the situation, study and compile information and data that is related to the work of the Commission and sub-commissions as well as work groups that coordinate with individuals, organizations, and relevant agencies both within Thailand and overseas. Also to carry out other duties as assigned by the Commission. The TRCT Office is located at 5th Floor, Car Park Building, Complex B, Government Center Commemorating the 80th Birthday of His Majesty the King, Chaengwattana Road, Tung Song Hong, Lak See, Bangkok.

The Director of the Office of Justice Affairs (Mr. Vitaya Suriyawong) assigned Mr. Wallop Nakbua as the Administrative Director of TRCT (TRCT Office). Mr. Wallop participated in TRCT meetings as the representative of the TRCT Secretarial Unit.

1.2.1 Personnel

Throughout its period of operation – from July 2010-July 2012 - the TRCT Office has been staffed as follows:

- 1) TRCT Commissioners and secretaries - 12 people
- 2) TRCT consultants - 4 people
- 3) Sub-commissioners - 116 people.⁸
- 4) Full-time staff (in rotation) - 48 people.⁹

In addition, experts in truth-seeking for reconciliation from overseas provided assistance to TRCT in the form of consultations for formulating the strategic framework of operation, training, staff, and investigation of witnesses and evidence.

1.2.2 Budget

TRCT received a budget from the government to support operational costs. Two payments

⁸ Starting from 12 TRCT Commissioners in July 2010 to the highest number of commissioners and Sub-commissioners of 128 in July 2011.

⁹ Starting from 8 in September 2010 to the highest number of 58 in April 2012.

were made. An amount of 32 million baht was provided in August 2010 and a second amount of 45 million baht in December 2011.

Following, is a summary of payments made by TRCT for important aspects of its operation during the period July 2010 – July 2012.

1) Payments made to TRCT Commissioners for participating in TRCT Commissioner Meetings¹⁰ totaling 225,220 baht.

2) Payments made to Sub-commissioners for participating in Sub-commission Meetings¹¹ totaling 1,533,800 baht.

3) Salaries for full-time office staff and employed experts came to 12,174,740.82 baht.¹²

4) Expenses incurred in organizing 141 meetings¹³ totaling 5,594,985 baht.

5) Expenses for seminars and research activities totaling 1,299,357.36 baht.

6) Expenses for hiring consultants for research and data collection projects¹⁴ totaling 25,880,057 baht.

7) Expenses for rent, furniture and computer equipment for the TRCT Office totaling 14,386,104.36 baht.

8) Expenses for office stationery and supplies totaling 3,171,536.58 baht.

9) Other miscellaneous expenses¹⁵ totaling 995,805.68 baht.

Total expenses amounted to 65,261,586.80 baht. The Commission agreed to pass on the remainder of the allocated budget, totaling 11,738,413.20 baht,¹⁶ to the Office of Justice Affairs for use in supporting the following activities after the end of TRCT's mandated term of operation:

1) Hiring of personnel to continue some TRCT activities until 30 September 2012.

2) Organizing activities that are seen to be beneficial to the public, including publication of information relating to the operation of TRCT. These activities include:

¹⁰ TRCT had a total of 34 meetings and made payments to participants according to civil service regulations: Chairman received 1,500 baht per meeting; and Commissioners, secretaries, and assistant secretaries received 1,200 baht per meeting.

¹¹ There were 107 meetings of sub-commissions appointed by TRCT. Payments for participants were made according to civil service regulations: 1,000 baht per meeting for the chairperson, 900 baht per meeting for deputy-chairpersons, and 800 baht per meeting for sub-commissioners, secretaries and assistant secretaries.

¹² There was a total of 48 full-time staff (in rotation) between August 2010 – September 2012.

¹³ Costs of organizing meetings refer to the cost of snacks, meals, venue rental, payment to speakers, transport costs, documents for the meeting, payment to those who provided information.

¹⁴ Consultant hiring project, cost of services, and hiring of experts and specialists.

¹⁵ Translation costs, preparation of documents for distribution, book purchases, cost of tapes etc.

¹⁶ Data accurate as of 30 July 2012, but this amount may change as expense payments are still being made.

- The production of a “Pocket Book”, in both Thai and English, which details the principles and operation of TRCT.
- Dissemination of information on the achievements of TRCT including the Final Report and reports on operational outcomes and research findings of sub-commissions.
- Production of a video that presents a short and simple explanation of the operation and outcomes of TRCT.
- Organizing activities or forums for presenting the Complete Report of TRCT.
- Carrying out other necessary activities such as meetings or translation of documents to bring the work of TRCT to successful completion.

1.2.3 Problems and Obstructions

1) TRCT was an important mechanism in leading Thai society to reconciliation but had no legal

The Commission had to rely on the willingness of individuals and agencies to provide evidence and testimony. It had no authority to summon individuals or agencies when they were reluctant to cooperate. Lack of cooperation from government agencies and private enterprises in providing information was an obstacle to TRCT procedures. Not being able to obtain sufficient or important facts made it difficult to investigate some issues. In some cases, government agencies claimed that information was classified (government secrets) and were therefore not able to disclose it. This meant that the Commission lacked important data which was necessary in order to determine the truth with any reasonable degree of certainty. The public then suspected that such refusals or reluctance to disclose information to TRCT were just attempts to cover up important facts. It appeared that the agencies involved thought it better not to disclose the information to the public despite the risk of censure regarding their lack of transparency or the obstacle it would create to TRCT’s ability to bring about reconciliation.

2) Lack of protection for information sources

Another obstacle was that some individuals and agencies were reluctant to speak to the Truth-Seeking Sub-commission. Some witnesses were afraid they might be put in danger if their statements adversely affected one or other of the groups.

3) Limitations derived from the status and background of TRCT

Some groups had reservations regarding the background or status of TRCT. It had been established by the government which many people saw as being one of the parties in the conflict. Some groups therefore lacked confidence in TRCT and did not cooperate in the investigation and truth-seeking. However, during the term of its proceedings TRCT saw a gradual improvement in its acceptance. The Commission’s procedures have shown clearly its independence and impartiality. The government honored this independence and did not interfere in the proceedings of TRCT.

1.3 Cooperation with Other Agencies

1.3.1 Agencies in Thailand

In investigating and truth-seeking into the root causes of the conflict and incidents of violence as well as into restoration and rehabilitation of individuals, society, organizations, and institutions affected by the incidents, both in the short and long term; and into the setting of measures for reducing the conflict in Thai society, the proceedings of TRCT had to rely on the genuine participation of all parties involved. In addition to public relations activities and interim reports, the proceedings of TRCT have been broadcast through various media to enhance the public's knowledge and understanding of the proceedings. Related activities included organizing meetings and seminars to listen to information, opinions, and suggestions from the public; coordinating with both state and private agencies, as well as individuals in Thailand and abroad, in order to obtain information and gain various kinds of support needed to complete its work. Throughout its two-year period of operation TRCT received cooperation from more than 160 state and private agencies and more than 450 individuals. Followings, are summaries of this cooperation.

Security and peace-keeping agencies (army and police units) in their status as the agencies responsible for maintaining peace and order and controlling situations of unrest. TRCT received the cooperation of these units in terms of information, policy documents, orders to forces maintaining peace and order during the period of unrest, information on where the incidents of unrest started and areas in the nearby vicinity, and evidence related to cases with political protesters and incidents of unrest during April and May 2010. Information obtained related to injuries and loss of life of police and army personnel. Officials of various ranks who were involved in the incidents came to provide information and facts about the incidents that occurred. Visits were made to those who were on duties during the incidents and requests were granted to inspect and record statements from those who were affected by the unrest and violence for the purpose of restoration and social reconciliation.

Agencies involved in the system of justice (courts, public prosecutors, the Department of Corrections, Department of Rights and Freedoms Protection, and the Department of Special Investigation). From these agencies, TRCT received support and assistance in terms of information about those imprisoned, witness accounts, investigation petitions, judgments in cases related to political demonstrations and unrest during April and May 2010, namelists of those killed in political protests and restoration assistance provided to those affected by the violent incidents. Also, assistance was provided by these agencies during field visits and restoration activities to

those imprisoned for offences against the Emergency Decree B.E. 2548 (2005), and in inspecting and taking statements from those affected by the unrest and violence.

Physical and mental health treatment agencies (Mental Health Department, Ministry of Public Health, hospitals and institutes connected with restoration and mental health care).

TRCT received support in restoration and rehabilitation for those affected and in site visits to provide restoration to those affected by incidents of violence. TRCT was provided with medical records of those who lost their life and on patients that received treatment for injuries incurred during the incidents of unrest.

Local and provincial administration organizations (Central Provincial Administration Offices and District Offices of areas where incidents occurred and in nearby areas).

During the political protests and unrest in April and May 2010, the local and provincial administration organizations could be said to be the agencies which were in close proximity to the incidents and to the public. In some areas, the Central Provincial Offices were damaged or destroyed. TRCT was assisted with information on the arson of buildings and damage that resulted from the unrest, photos and evidence, and information on restoration assistance for those affected who lived in the vicinity of the incidents of unrest and the surrounding areas.

Private enterprises and state agencies that were affected and incurred losses from the violence and unrest (companies, department stores, shops, banks, business people, and schools).

TRCT received cooperation from various agencies, particularly private enterprises, that were affected by the violence and unrest, in the form of information relating to the incidents and unrest, documents, photos, evidence, information on financial and other, rehabilitation, restoration received, information and documents relating to relevant legal cases both before and after the violent incidents, and opportunities to participate in discussion meetings on preventing violent incidents.

Mass media agencies (radio and television stations, the Public Relations Department, various printed materials).

TRCT received support in the form of satellite pictures, video clips, photos etc.

1.3.2 International Cooperation

International agencies cooperated by sending experts to participate in the activities of TRCT.

1) The Embassy of Switzerland in Thailand assisted TRCT by making available the following experts to provide advice:

I. Ms. Beatrice Schiffer, Ph.D., a forensic scientist expert in criminal investigation, provided advice on TRCT operation from September 2010 to January 2011. Dr. Schiffer then joined with the Investigation and Truth-seeking Sub-commission for a period of one year from June 2011 to May 2012.

II. Mr. Quentin Milliet, a visual imagery expert, advised on investigation and truth-seeking worked from May to June 2011 and again during January to February 2012, a period of four months.

III. Mr. Matthieu Glardon and Mr. Fabiano Riva provided advice on weapons from 16-25 May 2012, a period of 10 days.

2) The United Nations Office on Drug and Crime (UNODC) supported a visit by Mr. Steve Nash, a crime scene expert, to provide advice on procedures for the Investigation and Truth-seeking Sub-commission for a period of one week from 22 September 2011.

3) The International Center for Transitional Justice (ICTJ) sent Mr. Ari Bassin, a management strategy expert, to participate in the work of TRCT from 9-30 June 2011, a period of three weeks.

4) The United Nations Development Programme (UNDP) sent Mr. Samuel Gbaydee Doe, Ph.D., an advisor in conflict analysis, to support the work of TRCT from 15 June - 15 August, 2011, a period of two months.

Cooperation in procedures of TRCT

1) Ms. Priscilla Hayner, an advisor on truth commissions from the International Institute for Transitional Justice, Switzerland; and Mr. Howard Varney, an advisor on truth-seeking from the International Center for Transitional Justice (ICTJ), South Africa, came to exchange ideas and to suggest the operational framework of TRCT to the Cabinet on 6 January, 2011.

2) Mr. Howard Varney and Mr. Patrick Burgess, experts in Truth-seeking and Management from the International Center for Transitional Justice (ICTJ), came to advise and to consult regarding work methods on 23 November 2010.

In addition, TRCT held discussions with agencies from a number of countries that wished to offer their support or be briefed on the progress of TRCT operations as follows:

1) On 22 September 2010, TRCT met with Gary Lewis, a representative from the United Nations Office on Drugs and Crime (UNODC), to discuss the possibility of UNODC providing crime scene experts.

2) On 9 October 2010, TRCT met with the Ambassador of Switzerland to Thailand, H.E. Christine Schraner Burgener to discuss the work of TRCT.

3) On 28 October 2010, a representative of the Centre for Human Dialogue (CHD) met with TRCT to discuss support for the work of TRCT.

4) On 28 October 2010, a representative of the Embassy of Japan in Thailand coordinated with TRCT on exchange of information.

5) On 1 November 2010, Mr. Tamrat Samuel, a representative of the United Nations Development Programme (UNDP) in New York, met with the Chairman of TRCT to receive an overview of the work of TRCT.

6) On 1 November 2010, a representative of the Centre for Humanitarian Dialogue (CHD) met with the TRCT to discuss the possibility of assisting in the procedures of TRCT.

7) On 1 November 2010, a representative from the Embassy of Japan met with TRCT to be updated on the work of TRCT and express concern about the progress (of investigations) into the incident involving the case of a Japanese journalist.

8) On 9 December 2010, H.E. Ambassador Heidi Tagliavini and H.E. Ambassador Christine Schraner Burgener met with TRCT to exchange experiences on truth commissions in various countries. TRCT organized a focus group consultation session and invited diplomats and representatives from more than 40 international organizations to attend a presentation on the progress to date of TRCT.

9) On 28 December 2010, the International Committee of the Red Cross (ICRC) sent a representative to meet with the Chairman of TRCT to be briefed on the activities of TRCT.

10) From 18-23 September 2011, Ms. Priscilla Hayner, expert in truth commissions and transitional justice, presented recommendations on operational procedures for TRCT.¹⁷

11) On 27 September 2011 and again on 23 May 2012, the Ambassador of the United States of America to Thailand, H.E. Mrs. Kristie Anne Kenney, met with TRCT to be briefed on the progress of the work of TRCT.

¹⁷ Ms. Priscilla Hayner participated with TRCT in the following activities:

1. On 19 September, 2011; met the leader of the opposition, Mr. Abhisit Vejjachiva, at the Office of the Democrat Party to discuss the work of TRCT in relation to procedures for restoration and the activities of the Restoration, Rehabilitation, and Violence Prevention Sub-commission at the TRCT Office.
2. On 20 September, 2011; met the Prime Minister, Ms. Yingluck Shinawatra at Government House to discuss the procedures of TRCT in relation to truth-seeking with the Investigation and Truth-seeking Sub-commission at the TRCT Office.
3. On 21 September 2011, met General Daopong Ratanasuwan and General Prayuth Junochar for discussions and later met the President of the Parliament, Mr. Somsak Kiattisuranon at the Parliament Building and discussed the work of TRCT in relation to administration and management of TRCT at the TRCT Office.
4. On 22 September 2011, discussed the work of TRCT with civil society groups such as representatives from the Information Centre for Members of the Public Affected by Incidents, National Human Rights Commission, Institute of Human Rights and Peace Studies, International Crisis Group (ICG), and Mrs. Nicha Tuwatham (wife of Colonel Romklao Tuwatham) at the TRCT Office.
5. On 23 September 2011, participated in exchange of experiences in a seminar entitled "The Role of Truth for Reconciliation Commissions in Transitional Justice" at Siam City Hotel, Bangkok.

12) On 18 October 2011, the Ambassador of Finland to Thailand, H.E. Sirpa Mäenpää, met TRCT to be briefed on the progress of the work of TRCT.

13) On 11 January 2012, Mr. Frank La Rue, UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, met the Chairman of TRCT to discuss the issue of rights and freedoms in expressing opinions as well as the principles of human rights.

14) On 19 January 2012, the Chairman of TRCT met the Ambassador of Japan to Thailand.

15) On 26 January 2012, the Chairman and Commissioners of TRCT met the Delegation of the European Union to Thailand.

16) On 19 January 2012, Mr. Francesco Vendrell, former Ambassador for Spain who has played roles in promoting the process of reconciliation in many countries; Mr. Michael Vatikiotis, Director for the Asian Region, Centre for Humanitarian Dialogue (CHD) along Mr. Adam Cooper and Ms. Tirada Supapong, Coordinators for the Center for Humanitarian Dialogue (CHD) on behalf of the Friends of Thailand; met with the Chairman of TRCT to exchange ideas about reconciliation and the role of TRCT in the view of the international community.

17) From 8-10 February 2012, the International Center for Transitional Justice (ICTJ) sent Mr. Patrick Burgess, Asian Regional Director, and Mr. Ari Bassin, Asian Region Project Manager, to participate in training the Investigation and Truth-seeking Sub-commission Report Writing Team. On 9 February, they also exchanged work experiences with TRCT.

18) From 16-19 February 2012, H.E. Kofi Anan, former Secretary-General of the United Nations and H.E. Mr. Martti Ahtisaari, former President of Finland, visited TRCT to participate in a discussion conference on ways to cooperate with TRCT in building reconciliation in Thailand and to meet and discuss with representative groups from all sectors. (For details, refer to Article 4 of the Strategies for Reconciliation Sub-commission).

19) On 11 April 2012, the Ambassador of Indonesia to Thailand, H.E. Mr. Lutfi Rauf, and his accompanying party, met with TRCT to introduce himself on the occasion of his appointment to the position of Ambassador of the Republic of Indonesia to Thailand.

20) On Thursday, 3 May 2012, the Head of the Investigation and Truth-seeking Sub-commission met with representatives of the Office of the United Nations High Commissioner for Human Rights to discuss having experts exchange opinions on the freedom to protest, the right to peaceful protests, freedom of the press, crowd control, and regulations for clashes.

21) On 8 May 2012, Mr. Wolfgang Hüsken; official responsible for Thailand, Laos, Cambodia, and Malaysia at the Ministry of Foreign Affairs, Republic of Germany; met with the Head of the Investigation and Truth-seeking Sub-commission to learn about progress in reconciliation and the political conflict in Thailand.

22) On 10 May 2012, a representative from the International Committee of the Red Cross (ICRC) met with TRCT to learn about progress being made in the work of TRCT and to discuss providing experts who could advise and exchange opinions with TRCT.

1.4 Main Activities of the Commission

1.4.1. Activities of TRCT

1) Organizing Public Forums

After the resolution of the Cabinet on 8 June 2010 which agreed in principle to establish of the Truth for Reconciliation Commission of Thailand (TRCT) and appointed Professor Dr. Kanit Nanakorn as Chairman of TRCT, a forum was organized to brainstorm and exchange ideas on investigation and truth-seeking, restoration and rehabilitation, conflict reduction, reconciliation, and prevention of violence and loss in the future.¹⁸ As the political conflict during that period was serious and deeply-rooted in Thai society, arguing over differences in political thinking became increasingly difficult. In addition, there was a lack of forum and impartial people to lead discussions and exchange of opinions. TRCT, anticipating problems in this regard, designed procedures that stressed building an appropriate atmosphere for reconciliation. The Commission organized many public forums for people, groups, and organizations to come together to exchange views and opinions on reducing the gap between the sides in the conflict and stopping the conflict from spreading and deepening by using TRCT forums or various projects carried out by the sub-commissions or units of TRCT.¹⁹

2) Meetings

TRCT organized a total of 33 meetings as follows:

- o In 2010 there were 6 meetings
- o In 2011 there were 11 Meetings
- o In 2011 there were 16 meetings

3) Compiling Interim Reports of TRCT

The Regulation of the Office of the Prime Minister on the Truth for National Reconciliation B.E. 2553, Article 9 (1), authorized TRCT to compile interim reports on the work of TRCT every six months plus a report at the end of their period of operation detailing results

¹⁸ There were two forums before the establishment of TRCT. They were:

1. Discussion forum to brainstorm opinions on “TRCT – A Way Out for Thailand” on Thursday 24 June, 2010 at Siam City Hotel, Bangkok.
2. Expert Group Meeting on “Good Practices and Lessons of the TRCT” from 28-29 June, 2010 at Siam City Hotel, Bangkok.

¹⁹ See activities of sub-commissions under 1.4.2.

and recommendations to the Cabinet and the public. Three interim reports have been presented. The first covered the period 17 July, 2010 – 16 January, 2011;²⁰ the second interim report covered 17 January – 16 July, 2011;²¹ and the third interim report covered July, 2011 – March, 2012.²²

4) Recommendations to the Prime Minister and the Public

During its period of operation, TRCT presented five recommendations to the prime minister to help build an atmosphere conducive to reconciliation. Two of these were presented to the government headed by Mr. Abhisit Vejjajiva - discontinuing the practice of using shackles on prisoners²³ and considering the basic rights of accused persons in criminal cases resulting

²⁰ The first Interim Report was presented to the Cabinet during the term of Mr. Abhisit Vejjajiva. It presented the conceptual framework and procedures of TRCT as well as the results of operation during the first six months. It also included the following eight recommendations:

1. To give importance to unifying and finding a way to solve the root causes of the problem giving highest priority to the benefit to the nation.
2. To conduct an election that is free from violence and truly impartial. Further, that all political parties announce their standpoints, in advance of the election, regarding procedures and tangible means for leading our country to overcome the conflict after the election.
3. That it is appropriate to grant amnesty to persons involved in violent incidents. TRCT recommended that the principles of transitional justice be used as the mechanism to promote the main system of justice which has limitations in managing the special type of conflict that was occurring.
4. Control the use of state authority. All parties must use the law and criminal justice procedures with care.
5. The agencies of the system of justice must be impartial and must show this impartiality by not siding with any party in the conflict.
6. Revere the Monarchy as an institution above political conflict and exercise caution in using *lèse majesté* laws during a time of intense political conflict.
7. The media must act responsibly by presenting information to the public which is correct. The media must stop being used to incite violence.
8. Continue restoration and rehabilitation of people from all parties that were affected by the violence.

²¹ The second Interim Report was presented to the Cabinet of the government of Ms. Yingluck Shinawatra. As there was a change of government, TRCT stressed the principles, philosophy, and concepts of procedures; reported on the results of operation during the second six month period; on problems and obstructions encountered; and provided recommendations.

²² The third Interim Report was presented to the Cabinet of the government of Ms. Yingluck Shinawatra with recommendations stressing and following on from recommendations already made by TRCT. These recommendations related to restoration of those affected by the state using a “dimension of synthesis” which TRCT recommended as a way to give restoration that does not reduce the human dignity of people. TRCT recommended that restoration must be carried out in a “dimension of apology” and believe that the money used for such monthly payments should appear in the government’s annual national budget. This will remind the government and the parliament that draft the annual budget to remember and reflect on their apology to the people who were affected from the incidents of violence and lead to true forgiveness.

²³ TRCT document/Yor Tor 0910/1, dated 29 July 2010, relating to the shackling of prisoners. TRCT recommended that treatment of accused persons take into consideration their basic rights and human dignity both in cases stemming from political conflict or in general cases. Agencies involved in these cases should commence to correct their practices by enforcing punishment or corrections laws so that they correspond to the principles of human rights of the United Nations. (Appendix 4.)

from incidents of violence.²⁴ Later, after a change of government and prime minister, Ms. Yingluck Shinawatra announced to the cabinet on 23 August 2011 that the government had set building harmonious reconciliation of people in the nation and the restoration of democracy as an urgent issue to be dealt with in their first year in office. At that time, TRCT presented recommendations to the prime minister covering many issues: the issue of urgent reconciliation just mentioned, as well as calls for adherence to the rule of law, maintaining an atmosphere conducive to reconciliation, proceeding with temporary release of detainees, and proceeding with urgent, genuine, and fair restoration.²⁵ TRCT also expressed concern regarding criminal proceedings related to article 112 of the Criminal Code - defamation of the monarchy (*lèse majesté*).²⁶ Since the beginning of the political conflict, there have been frequent accusations of offences related to the above article of the Criminal Code. TRCT therefore recommended to

²⁴ TRCT /Most urgent document 2553/1 dated 15 November 2010. TRCT recommended considering the right to temporary release which is a basic right of accused persons in criminal cases. This right is universally-accepted and is stated in the Constitution of the Kingdom of Thailand B.E. 2550, article 40 (7) which mentions “the right to temporary release”. The capture and holding of accused persons or detention under authority of the state is a limitation of the rights of accused persons. In addition to impacting on their right to individual freedom, an important basic right, it also affects their ability to oppose a case and impacts on the family and relatives of the accused. For this reason, TRCT believes that if there is no reason to suspect that the accused will flee, interfere with witnesses or evidence, or create some other kind of danger then the accused should be released or released temporarily. TRCT believes that temporary release of leaders or instigators is necessary, especially those who did not act violently or support violence. This would provide an opportunity for them to participate in peaceful ways of resolving conflict and it would be a good example to all parties of the importance of building reconciliation in our nation. (Appendix 5.)

²⁵ From work carried out so far, TRCT believe that compensation restoration and rehabilitation of people from all parties affected by the incidents of violence stemming from political conflict should cover individuals, communities, society, and business people. Restoration should cover the period starting from before the coup de’tat on 19 September 2006 onwards. This restoration should be carried out with utmost urgency, continuously, and fairly in order to relieve the difficulties of the people being affected and is one of the important conditions for building national reconciliation. TRCT is pleased that the government accepted this recommendation and put it into practice by establishing the Commission to Coordinate and Follow-up on the Recommendations of TRCT. TRCT has a Restoration and Rehabilitation Coordination Center for those affected by violent incidents which sends the names of those affected to the prime minister to consider further action. (Appendix 6, Most urgent document, TRCT 184/2555 dated 9 March 2012.)

²⁶ In the “Most urgent document, TRCT 651/2554” dated 15 September 2011 (Appendix 7), TRCT made the following eight recommendations to the government:

1. The government must have the political will to hold to the rule of law in administering the country, to respect laws, and to work for the benefit of the nation.
2. TRCT calls on all parties in the conflict to exercise the utmost caution in any activity that may impact on the atmosphere for reconciliation.
3. Review criminal proceedings for offences against the Emergency Decree B.E. 2548; for unlawful assembly of 10 or more people according to article 215 of the Criminal Code for cases before and after the coup de’tat of 19 September 2006; and cases related to *lèse majesté*, article 112 of the Criminal Code, and the Decree of Computer Offences B.E. 2550. All of these are related to political conflict. The government should deal with case proceedings related to the offences mentioned. The government should review allegations of excessive violence and proceed in earnest with temporary release which is the basic right of accused persons and defendants. If the accused or defendant is not granted temporary release, the government should arrange a suitable place for their detention and should study and apply the principles of criminal, transitional, and restorative justice.
4. TRCT believes that compensation restoration and rehabilitation of people affected by incidents of violence is an important condition in building national reconciliation. The government must proceed with restoration quickly and earnestly.
5. TRCT believes that restoration should be provided for those tried unfairly so as to be a condition for national reconciliation.

the prime minister and all political groups that it seemed appropriate to adjust this offence to be an “offence requiring authorization”.²⁷ In addition, TRCT recommended amendments to the law on terrorism which TRCT believes to be contrary to the principles of democracy. Also, those who enforce this law still lack knowledge and understanding of it. Repealing this law would help in building reconciliation among people in our country.²⁸

As the term of operation of TRCT mandated by the Regulation of the Prime Minister come to an end, there was a situation occurring that impacted on the atmosphere for reconciliation. This was the rush to considering the draft of the Decree on National Reconciliation B.E. On 30-31 May 2012 a disturbing incident occurred in parliament regarding the acceptance by the Constitutional Court of an accusation that the procedure of amending Article 291 of the Constitution is contrary to Article 68 of the Constitution. TRCT was very concerned about this incident and believes that if the procedure to build reconciliation proceeds in an inappropriate way without basing considerations on the benefit to the nation more than self-interest the situation may escalate and lead to yet another round of conflict that would end in violence and tremendous loss. In an open letter, TRCT therefore recommended that the government, the prime minister,

6. TRCT is very concerned about the increasing number of cases of lèse majesté according to article 112 of the Criminal Code and the Decree on Computer Offences B.E. 2550. These are clearly impacting on the political situation.

7. The government should promote exchange forums so that all parties in Thai society can understand the causes of the conflict.

²⁷ Most urgent TRCT document 751/2554 dated 30 September 2011. TRCT believes that since the beginning of the political conflict among people in our country there have been many claims of offences against article 112 of the Criminal Code. One side of the conflict used this offence as a political tool to support its own political agenda claiming that they were protecting the Monarchy and called for strict legal action against those accused of the offence. The other side saw the statements referred to as part of their right to political freedom as guaranteed by the Constitution. If everything they say regarding this matter is an offence according to this article of the Criminal Code then this is in conflict with a person's right to freedom of expression according to the Constitution and the article should therefore be abolished or corrected. The result of this argument between the two sides led to a deepening of the conflict. TRCT recommended to the prime minister and all political factions that the repealing of article 112 of the Criminal Code is not advisable given the current state of Thai society but that maintaining the article in its current form is an obstacle to national reconciliation. TRCT believes it is appropriate to modify the offence to be “an offence requiring authorization” before proceeding with it as a criminal case and with a punishment of no more than seven years imprisonment or a fine of no more than 14,000 baht or both imprisonment and fine. This was how the article was before it was amended when the National Administration Reform Committee took power in 1976. (Appendix 8)

²⁸ Most urgent TRCT document 254/2555 dated 11 May 2012. TRCT believes that the act related to terrorism in the Criminal Code, “Type 1/1 offence related to terrorism” was not incorporated into the legal system of the country correctly according to the principles of democracy because it stemmed from the “act amending the Criminal Code B.E. 2546”. This was enacted by the government of that time (government of Pol. Lt. Col. Thaksin Shinawatra) without respect for the votes of the minority in the parliament. TRCT believe that this was contrary to the principles of democracy as even if there is a majority voting in favor, there must still be respect for the votes of the minority in the parliament related to this Law on Terrorism. TRCT believe that if the Law on Terrorism was submitted to the parliament in the correct way, by presenting a “Draft Act Amending the Criminal Code”, it would have certainly generated wide-ranging discussion in the parliament because it is a very important draft act. TRCT recommend that the government, parliament, the opposition, and all political groups show political courage by coming together and submitting a Draft Act Amending the Criminal Code that repeals the Criminal Code Type 1/1 Offences Related to Terrorism in the Criminal Code in the future. This is important and can be done but the legislative branch and all parties must be more thorough and circumspect by using the past as a lesson. (Appendix 9)

leaders of the opposition, political parties, political groups, military and police commanders involved in exercising state forces, the judiciary, groups of individuals, and all other related organizations; try and build reconciliation in our country, reduce social conflict and promote reconciliation among people from all parties and all sectors of the country based on the principles of democracy.²⁹

5) Project to Take Statements from Persons Affected by Incidents of Unrest and Violence in Thailand

Incidents of political unrest and violence that occurred had far-reaching effects on people throughout Thai society and throughout the country. To provide a forum for people affected by the violence to express their anger, sadness, and frustration; TRCT representatives listened to the problems that these events have created for people from all parties involved. Those who were affected could communicate with each other and with the public. Hopefully, this could lead to an apology and forgiveness which is another form of restoration. TRCT used the information obtained in these forums to analyze the root causes of the problems that have arisen in Thai society. It also helped us to set a strategy for reconciliation in the future. TRCT organized a Statement-taking Project among the people affected by the violent events in April and May of 2010.³⁰ Before entering the field to collect information, training was provided to TRCT staff and those carrying out the statement-taking so that

²⁹ Refer to Open Letter of TRCT dated 9 June 2012 which made calls for the following six issues (Appendix 10).

1. TRCT calls for the Pheu Thai Party, the leading party in establishing the government and controlling many of the votes in the parliament, to urgently review the draft act mentioned so as to reduce the trend of conflict and division in our society.
2. TRCT calls on all parties involved to express responsibility for the incidents that occurred in the parliament on 30-31 May 2012 so as to maintain a good benchmark for the performance of duties of members of parliament and to promote a good atmosphere in building national reconciliation.
3. The courts, especially the Constitutional Court, must strictly preserve their independence and impartiality in performing their duties according to the rule of law.
4. TRCT calls on the public and all sectors of society to respect procedures within the framework of the law and to respect rights and freedoms and express their opinions according to the framework of the Constitution using peaceful means. They should also be particularly careful not to do anything that would incite violence.
5. TRCT calls on officials that play a role in maintaining peace and order and in controlling crowds to strictly respect the rights and freedoms of the people guaranteed by the Constitution and corresponding to universal standards.
6. TRCT calls on all political parties, people involved in the conflict, and people involved in building reconciliation to not act in any way that will make the situation worse.

³⁰ The project mentioned covers the people in the area of the main demonstrations in Bangkok and in demonstration areas in the provinces. Inspection visits were carried out and approximately 1,500 people that were affected or involved were interviewed using a structured interview format. The people interviewed were from all parties in the conflict and included relatives of people who were killed, people who were injured, people charged with offences, people whose property was damaged, business operators in the areas of the demonstrations, officials performing duties in demonstrations, and others. For the purpose of collecting information, areas were divided according to the incidents of violence. There were six areas.

1. Bangkok, where violence occurred during April and May 2010, was divided into four major areas:

- i) Vicinity of the Democracy Monument, Rachadamneon Avenue and surrounding areas where there were clashes in the vicinity of Kok Wua Intersection, Khao San Road, Phan Fah Lilat Bridge on 30 April 2010 and the death of a foreign journalist.

their procedures would yield the desired result.³¹ Also, to make sure that the statement-taking covered all important groups involved in controlling the situation; in maintaining peace, order, and security of the nation; in managing the emergency situation during April and May 2010; and include those who had significant involvement through decision authority, the leaders of the protests, and controllers of the demonstrators during the incidents. This made TRCT's record of statements for social reconciliation more complete.³²

ii) Vicinity of Rajprasong Intersection, Siam square, Rama I Road where there was the arson of Central World Department store, Siam Movie Theatre; as well as other areas around Siam Square. Also included the death of six people in the precincts of Wat Patumwanaram.

iii) Vicinity of Silom Road, Rama IV Road, the Bon Gai community, the Soi Phra Jen community (where clashes occurred on Rama IV Road and General Khattiya Sawatdipol was killed), the arson of buildings such as the Metropolitan Electricity Authority office in Klong Toey; the Malinon Building; and the Rama IV, Hua Lampong, and Jun Road Soi 6 branches of the Bangkok Bank.

iv) Vicinity of the Victory Monument, Dindaeng T-section, Soi Rangnam, Rachaprarop Road, and Vipphawadee-Rangsit Road including the National Monument and vicinity of 11th Royal Guard Infantry Regiment where incidents of violence occurred. These included a clash in the area of the Dindaeng T-section and Soi Rangnam, clashes in front of the National Monument, clashes in front of the Area 11 Army Base, burning and damaging of buildings such as the Office of the Narcotics Control Board, Center One Department Store and stores in surrounding area, derelict buildings on Rachaprarop Road, and the Rachaprarop Road branch of the Siam City Bank.

2. Central Region – the provinces of Chonburi, Ayutthaya, Samutprakarn, Nonthaburi, Pathum Thani, and Nakorn Pathom where there were incidents of violence such as at the Thaicom Satellite Station.

3. Upper Northeastern Region – the provinces of Udon Thani, Khon Kaen, Mukdaharn, Nong Bualumphu, Mahasarakham, Roi Et, Sakonnakorn, and Kalasin in which there were incidents of violence such as the arson of the Central Provincial Office in Udon Thani, arson of the Sri Jun branch of the Bangkok Bank in Khon Kaen, the burning of rubber tires in front of the Central Provincial Office in Mukdaharn.

4. Central Northeastern Region – the provinces of Ubol Rachathani, Chaiyaphum, Nakorn Rachasima, and Sri Saket where there were incidents of violence such as arson of the Central Provincial Office and the Communications Center of the Interior Ministry in Ubol Rachathani.

5. Upper Northern Region – the provinces of Chiang Mai, Chiang Rai, and Lampang where there were incidents of violence such as the placing of flammable materials in the sentry box in front of the entrance to the Chiang Mai governor's residence.

6. Lower Northern Region – the provinces of Nan and Nakorn Suwan.

For the analysis of the data a supplementary method based on statistics was used that stressed checking the instrument used for collecting, checking, and recording data. This was accompanied by a content validity check based on opinions of experts and specialists that had a good knowledge and understanding of the statement-taking. In addition, the statistical program SPSS (Statistical Package for the Social Sciences) was used to help analyze the data and this was accompanied by a text interpretation of the statements of those affected and those involved with the incidents of violence including witnesses, observers of the incidents, and officials on duty.

³¹ Two training sessions were organized for staff before they entered the field to carry out inspections and take statements.

1. Idea Exchange Training Project entitled "Transition and Transitional Justice, Multi-stakeholder Conflict analysis, Truth-seeking, Reparation and Reconciliation" from 17-20 December 2011 at Rama Gardens Hotel with Mr. Samuel Gbaydee Doe, Advisor for Conflict Analysis, United Nations Development Programme (UNDP) as speaker. 2. Basic practices conference entitled, "Inspection and statement-taking from those affected by incidents of unrest and violence in Thailand for the purpose of reparations and social reconciliation through TRCT", from 8th-10th March 2012 at Rama Gardens Hotel.

³² These projects collected information from in-depth interviews of those involved or those affected by incidents of violence at the decision-making level. It included people from both sides that observed important incidents - those from the state which had authority to manage state affairs and the emergency situation during April and May 2010, including the prime minister, deputy prime minister of security, Secretary of the Center for Resolving Emergency Situations (CRES) and other people involved; as well as the leaders of the protesters who had decision authority to control the crowds. For the sake of clarity, there were eight people in the target group of people involved at the time of the incidents of violence during April and May 2010.

The results of the study can be summarized as follows:

A total of 1,643 people provided information in the statement-taking. Most were directly involved (92.24%), either because they were injured or their property was damaged. Another 6.52% were reported on what happened to other people who were involved. These reports were mostly from spouses and to a lesser extent from relatives and children of those involved. Most people who provided information were witnesses / observers of violent incidents (63.49%) who had participated in the protests. A lesser number were direct victims (41.92%), most of whom incurred injuries. The proportion of those who were indirect victims (5.22%) and those charged with offences resulting from violent incidents (4.63%) is approximately equal. Those who committed acts of violence during incidents of unrest during April and May 2010 accounted for only 1.11% of those who provided statements. Most of the people who provided information participated in the incidents during April and May 2010 (82.40%). Most were involved in the clashes on 30 April 2010 in the vicinity of Kok Wua Intersection. This is also the violent incident which resulted in the most damage to relatives of victims who were killed, injured, escaped because they were pursued, or affected in other ways. Most witnesses/observers of violence (31.38%) in the study were also from the incident at Kok Wua Intersection. Those who gave statements on the gathering at Rajprasong constituted 13.32% and 10.66% gave statements relating to the arson of government buildings in provincial areas.

Most incidents occurred between 6:01 p.m. – 9 p.m. (23.92%) and between 3:01p.m. – 6:00 p.m. (23.52%). Those injured could see what was happening even though they occurred at night mostly because of the street lighting.

Those affected reported the reasons for incidents as being requests to reclaim areas, dispersal of protesters, pressuring protesters, controlling demonstrations, and desire to drive (non-involved) people out of the area.

1.4.2 Activities of the Sub-Commissions

1.4.2.1 Investigation and Truth-seeking Sub-commission³³

Investigating and truth-seeking may be said to be the principal activity of TRCT. It involved checking the facts about the incidents of unrest and violence that occurred by listening to information or facts provided by all parties involved and then disclosing the truth about the events to the public so that to get a common understanding of what occurred. This will help avoid a recurrence of violence in the future. Responsibility for this work rests with a work group in the form of an Investigation and Truth-seeking Sub-commission. In order to improve the efficiency, effectiveness, and coverage of fact-finding; five special sub-commissions were also established

³³ Appendix 11.

to investigate specific incidents. The Sub-commission was aided in its work by field work teams and volunteers. Methodology included interviews; calls for information from individuals as well as state and private agencies; projects; and public forums that allowed all parties, especially those who were opponents in the conflict, to discuss and exchange opinions together.

In carrying out its work, the Sub-commission conducted the following activities:

1) Meetings

The Investigation and truth-seeking Sub-commission had a total of 64 meetings as follows:

- o In 2010 there were 15 meetings
- o In 2011 there were 21 meetings
- o In 2012 there were 28 meetings

2) Projects / Activities to support the work of the Sub-commission

In addition to meetings where members of various agencies, those who were affected, civil society groups, academics, politicians, journalists etc. came to provide information and facts about what occurred; the Sub-commission organized a number of projects to collect and organize facts and information.³⁴

3) Opinion-Exchange forums

The main objective of the opinion-exchange forums was to provide opportunities to

³⁴ To improve the efficiency and completeness of investigation and truth-seeking, five projects were organized as follows:

1. A project to collect information and facts about the incidents of unrest and violence that occurred in April and May 2010 (1 October 2010 – 31 March 2011).
2. A workshop on drafting the report of the Investigation and Truth-seeking Sub-commission. This workshop provided knowledge about, and helped people prepare for, the report-writing task. It also focused on personnel development of commissioners, sub-commissioners, experts, and volunteers by having them study the ideas, knowledge, and experiences of foreign experts in investigating and truth-seeking in order to enhance the efficiency of TRCT and to ensure that procedures corresponded to the main function of TRCT. From 30-31 December 2010 at Unico Sandara Hotel, Chonburi.
3. A project to collect and organize facts about the conflict in April and May 2010 so as to be able to determine a more correct and comprehensive overall picture of the incidents which was then used in the work of TRCT and the Investigation and Truth-seeking Sub-commission. Data were compiled and systematically organized. Comparisons were made to the events and movements of those who participated in the incidents which led to an initial summary of the incidents of unrest and violence that occurred.
4. A seminar to integrate the work structure of the Investigation and Truth-seeking Sub-commission and create a combined strategic plan for all the work groups to use in reviewing, compiling and systematizing the information obtained from their activities. This included all groups discussing together their work plans and plan for the Complete Report. From 1-2 April 2011 at the TRCT Office.
5. A brainstorming session on compiling the report of the Case-Specific Restoration and Conflict Protection Sub-commission. The five work groups and a fieldwork group of this sub-commission investigated a number of incidents over a period of eight months and had to summarize their findings in a report. Therefore they organized a brainstorming session to understand each other and exchange ways of analyzing data according to the outline structure of the report. From 17-19 June 2011 at Belle Villa Hotel, Nakhonratchasima Province.

all parties involved to provide information and facts, or to express opinions about the incidents³⁵ and to check facts from as many angles as possible. TRCT realized that data obtained from a thorough investigation would constitute an important lesson for Thai society; a lesson that will need to be learnt if we are to stop such unfortunate incidents happening again in the future.

1.4.2.2 Restoration, Rehabilitation, and Violence Prevention Sub-commission³⁶

TRCT collected and analyzed data about individuals, societies, organizations, and institutes that were affected by the incidents of violence, both in the short-term and long-term. The sub-commission also coordinated with state agencies, summarized data on those who were affected and received systematic restoration, and presented this summary to the public through interviews with the media and stressed support and promotion of restoration and rehabilitation of those affected by the incidents of violence; trust building, acceptance and cooperation in the procedures of the Commission; creating an atmosphere for reconciliation in all sectors of society; and promoting and supporting measures, ways, and activities to prevent conflict and violence from occurring in the future.

During its term of work, the Restoration, Rehabilitation, and Violence Prevention Sub-commission carried out the following activities.

1) Meetings

The Restoration, Rehabilitation, and Violence Prevention Sub-commission had a total of 12 meetings as follows:

I. Five meetings of the Restoration, Rehabilitation, and Violence Prevention Sub-commission.

II. Seven meetings of the Case-Specific Restoration and Conflict Protection Sub-commission.

³⁵ There were two opinion-exchange forums:

1. A hearing to listen to facts related to incidents of unrest from all parties involved; those affected by the incidents of unrest, individuals, organizations, state agencies, and others; especially the opponents in the conflict. The hearing provided an opportunity for all parties to talk together and share information and facts about the incidents. A total of 12 incidents were investigated. Facts were checked, information was compiled including the opinions of people with various viewpoints from the sides involved. This was according to the major function of the Investigation and Truth-seeking Sub-commission which was to check the correctness of facts in all incidents. From 1 February to 19 April, 2011 at the TRCT Office.
2. Focus Group Project dealt with the background, causes, and solutions to the violence in April-May 2010. It was a forum for knowledgeable and capable people, experts and those with experience or involvement in the incidents mentioned. They exchanged information, experiences, and opinions on the issues so as to identify and understand the reasons and root causes of the conflict and violence that occurred. From 4 May-15 June 2012 at TRCT Office.

³⁶ Appendix 12.

2) Assisting with Rehabilitation of Victims

There were field visits to those directly and indirectly affected to listen to their problems, opinions, and suggestions in order to develop a way to assist and restore the victims. There were visits to the Northeast region (the provinces of Khonkaen³⁷ and Ubol Rachathani³⁸) and to the Northern region (the provinces of Chiang Mai³⁹, Lampoon⁴⁰, and Lampang⁴¹).

3) Organizing Opinion-Exchange Forums

Public forums were organized to listen to victims (victim hearings) through the National Community Brainstorming Project (short form of name)⁴² and other public forums to listen to the opinions, ideas, suggestions, and suitable principles to apply to restoration of those affected by the incidents of violence.⁴³

4) Coordinating with State Agencies and Meetings with Religious Leaders

In finding a way to achieve reconciliation together, the Sub-commission coordinated with state agencies and met Somdet Phra Buddhajarn (Keio Upaseno)⁴⁴ and Mr. Asiz Pitakkhumpol Chularajamontree.⁴⁵

³⁷ On 30 October 2010 at Jittavej Khonkaen Rajanakarin Hospital, Khonkaen Province.

³⁸ On 3 February 2011 at Phra Sri Maha Pho, Ubol Rachathani Province.

³⁹ On 4 March 2011 at Suan Prung Hospital, Chiang Mai Province.

⁴⁰ On 4 March 2011 at Lampoon Central Provincial Office.

⁴¹ On 5 March 2011 at the Lampang Center of Thammasart University, Lampang Province.

⁴² Organized a large brainstorming session in Bangkok and smaller forums in 50 districts of Bangkok as well as Regional Level Forums in three regions of the country. In the Northern Region on 5 March 2011 at the Lampang Center of Thammasart University in Lampang, in the Northeastern Region on 21 October 2011 and the Surin Majestic Hotel in Surin Province, and in the Southern Region on 24 February 2012 at the BP Grand Tower Hotel in Hat Yai, Songkla Province.

⁴³ Derived from the recommendations on restoration of the Committee to Coordinate and Monitor Procedures according to Recommendations made by TRCT which provided restoration in the form of cash payments. TRCT believed there should be an exchange of views, ideas, and principles on restoration according to universal principles so two discussion forums were organized as follows:

1. Discussion forum on “Restoration and Rehabilitation of People Affected by Incidents of Violence According to Universal Principles”. Conducted on 11 August 2011 at Grand Hall 2, Rama Gardens Hotel, Bangkok. Its objective was to give all sectors the opportunity to express their opinions on ways to systematically provide comprehensive restoration and rehabilitation according to international principles.

2. Discussion forum on “Consideration of the draft proposal on methods and criteria in providing restoration assistance to people affected by incidents of violence”, 15 May 2012 at Kanna Room, Rama Gardens, Bangkok. The objective was to have all sectors participate in presenting their opinions and to consider the draft proposal on methods and criteria in providing restoration assistance to people affected by incidents of violence in order to amend the draft, if necessary, to make it more appropriate, concrete, and effective in preventing a recurrence of violent incidents.

⁴⁴ Met on 29 December 2010 at Wat Saketrajaworavihara.

⁴⁵ Met on 7 February 2011 at National Islamic Religious Affairs Center.

5) Assisting with Restoration in the Field

In cooperation with the Department of Public Health, the Restoration Sub-commission organized field trips to assist at the Central Region,⁴⁶ one prison in the Northern Region,⁴⁷ and six prisons in the Northeastern Region in restoration of prisoners in five prisons.⁴⁸

6) Projects /Activities to Support Restoration and Rehabilitation of People Affected

I. Visits to peace-keepers who were on duty during the incidents of political unrest in April and May 2010. This project was inspection-based research to visit the peace-keepers and learn about their mental health status, the mental/emotional effects that had been sustained, and the progress of their treatment. The group studied was soldiers on duty during the political unrest and who are still on duty with their unit. There were a total of 326;⁴⁹ 180 from the navy and 156 from the army. After assessing their mental health it was found that 26 had psychological problems. Of these, 38.5% had political-related problems, 34.6% had work-related problems, and 11.5% had personal problems.

II. “Restoration Project... leading to development for a happy society”. The objective of this project was to listen to the information, problems, and desires of those who were affected. This was achieved by “meeting, understanding, and restoring” at the individual level, group level, and community level. The process involved participation in development and in solving social problems as well as supporting and promoting mechanisms that already exist in the family, community, and local region and to use these mechanisms to solve problems and prevent violence by promoting voluntary restoration.

III. Project to follow-up on restoration and rehabilitation of those people affected by incidents of unrest in political demonstrations in the Bon Gai and Phra Jen communities by visiting the sites and assessing the mental state of individuals in the communities of Bon Gai Housing Project, Bon Gai Development Project, Soi Jen, Soi Kularb Daeng, and Soi Polo as well as the organization of support groups in those areas. A meeting was organized between the networks involved; an assessment made of the problems, obstacles or impediments to receiving services and the desire for assistance; and recommendations made to major agencies that were responsible for providing assistance.

⁴⁶ Tanyaburi District Prison, Pathumthani Province and Nonthaburi Provincial Prison on 24 January 2011. Klong Prem Central Prison and Central Women’s Correctional Facility on 11 January 2011 and Samutprakarn Central Prison on 28 January 2011.

⁴⁷ Chiang Mai Central Prison on 1 February 2011.

⁴⁸ Khonkaen Central Prison on 19 January 2011, Mahasarakham Prison on 20 January 2011, Mukdaharn Prison on 27 January 2011, Amphur See Kwew 28 January 2011, Udorn Thani Central Prison on 31 January 2011, and Ubol Rachathani Central Prison on 16 February, 2011.

⁴⁹ Paid a total of four visits as follows: 1. On 25 March 2011 visited 105 navy seaman stationed in Bangkok. 2. On 28 March 2011 visited 65 navy seamen stationed in Sattaheep. 3. On 4 July 2011 visited 106 soldiers in the 11th Royal Guard Infantry Regiment. 4. On 5 July 2011 visited 50 soldiers in the 1st Royal Guard Artillery Regiment.

IV. Project to set the way and criteria for restoration of people affected by incidents of violence. The objective of this project was to set ways and restoration criteria appropriate to the Thai context for those affected by incidents of violence in both the short and long term according to standards of coverage that corresponded to universal principles of restoration. The project also aimed to build satisfaction in those who were injured or who were affected. Also, to compile a handbook which included the system, method, and criteria for restoration of those who were affected by incidents of violence both in the short and long term. The handbook was to be standardized, concrete, useable and appropriate to the Thai context.

7) Establishment of the Coordination Center for Restoration and Rehabilitation of People Affected by Incidents of Violence

TRCT established the Coordination Center for Restoration and Rehabilitation of People Affected by Incidents of Violence on 19 November 2010. The Coordination Center has the following duties: (1) to accept applications and classify the requirements of people requesting restoration; (2) to coordinate with the principal agencies involved in providing restoration assistance; (3) to follow-up on progress; and (4) to inform the applicants for restoration of the results of their application. The results of the work of the Center are as follows:

I. The first round of correcting data on those who requested restoration extended from December 2010 to May 2011, the Center received requests from a total of 614 applicants. Requests, classified according to type of restoration requested, are as follows:

- Physical, 18 applications
- Mental/emotional, 24 applications
- Property/earnings/economic, 608 applications
- Social, 3 applications
- Others, 23 applications.

(N.B. Some applicants requested restoration under more than one category.)

In the category of people affected in terms of property / earnings / economic the data from site visits by the Restoration Project is 529 applicants.

II. During the second round that extended from June 2011 up to July 2012, the Center received requests from a total of 316 applicants. Requests, classified according to type of restoration requested, are as follows:

- Physical, 108 applications
- Mental/emotional, 12 applications
- Property / earnings / economic, 208 applications
- Social-applications (No data inserted)
- Others, 10 applications.

(N.B. Some applicants requested restoration under more than one category.)

The Center provided information and coordinated with the relevant agencies to provide restoration assistance to those who applied. Agencies included the Department of Mental Health, Department of Rights and Freedom Protection, Department of Social Development and ..., the Ministry of Social development and Human Security, the Ministry of Public Health, Patumwan District Office, the Office of the Prime Minister, and the Committee to Coordinate and Monitor Procedures according to Recommendations made by TRCT.⁵⁰

1.4.2.3 Research and Academic Activities Sub-commission⁵¹

TRCT focused on research to clarify the root causes of the conflict in a number of dimensions so that Thai society could know and understand what caused the conflict which led to such tremendous losses. A lack of knowledge about the root causes of the problem is a serious obstacle to society's ability to overcome the conflict and may lead to a return of violence again in the future.

In the course of their work, the Research and Academic Activities Sub-commission carried out the following activities.

1) Meetings

The Research and Academic Activities Sub-commission conducted 21 meetings as follows: In 2010 there were 4 meetings; In 2011 there were 10 meetings; In 2012 there were 7 meetings.

2) Meetings to Listen to Opinions from the Public

TRCT is aware that in addition to investigating, determining the truth, and restoring and rehabilitating people who were affected by the conflict and violence, it is also necessary to research into the root causes of the conflict. TRCT, through the Research and Academic Activities Sub-commission, has tried very hard to provide society with a clear insight into those causes. TRCT organized meetings to listen to the opinions of the public⁵² and had discussions and consultations with academics and representatives of state agencies and the private sector, both in-country and from overseas, to identify the conditions that led to the conflict which is so deeply-rooted in Thai society.

⁵⁰ TRCT document; Most Urgent, 155/2555 dated 9 March 2012; Appendix 13.

⁵¹ Appendix 14.

⁵² Organized eight meetings to listen to opinions of the public as follows:

1. First focus group meeting entitled "Root causes of the conflict and ways to achieve reconciliation: Legal and law enforcement dimension", on Tuesday 23 November 2010 at the Miracle Grand Convention Hotel, Bangkok.
2. Second focus group meeting entitled "Root causes of the conflict and ways to achieve reconciliation: Historical, social and cultural dimension", on Tuesday 30 November 2011 at the Miracle Grand Convention Hotel, Bangkok.
3. Third focus group meeting entitled "Root causes of the conflict and ways to achieve reconciliation: Political dimension", on Wednesday 8 December 2011 at the Miracle Grand Convention Hotel, Bangkok.
4. Fourth focus group meeting entitled "Root causes of the conflict and ways to achieve reconciliation: Mass media dimension",

Data and facts obtained from the meetings mentioned were analyzed and it was found that there were at least five root causes of the conflict which led to the violence: 1. Unequal power structure in Thai society; 2. Social context, culture, history, and identity; 3. Enforcement of laws; 4. Security management and the fundamental philosophy of soldiers; and 5. Use of the media as a tool to repeatedly broadcast ideology. These led to a five-point conceptual framework for research into the root causes of the conflict and ways to achieve reconciliation and one summary analysis of the root causes and way to reconciliation.

3) Public Forums to Disseminate Research Knowledge

In addition to research to understand clearly the root causes of the conflict that has occurred, TRCT gave importance to disseminating information and informing the people through discussion forums,⁵³ articles, and via various media channels. The important matters of research in each of the root causes of the social problems that led to violence are as follows:

I. Unequal power structure

The research group studied the nature of the problem and the background or root causes of the conflict that eventually led to violence. The group focused on constructing a theory and concept of the structure of power in Thai society by studying its general characteristics and comparing it to other countries. This led to an understanding of the problem and to being able to find a way to solve the conflict based on the specific structure of power and to presenting a research methodology for studying the problem based on power structure. This led to building our own knowledge about power which can be explained according to the social and political theories of Michael Mann as the interaction between networks and power groups in society. It was expected that the outcomes of the study would lead to policy recommendations on political problems and crises in relation to social inequality, creating and exercising state power, developing the economic and production systems, the news and information system, and enhancing education.

on Wednesday 15 December 2011 at the Miracle Grand Convention Hotel, Bangkok.

5. Seminar entitled “Experiences of the United Nations Development Programme (UNDP) in managing conflict in foreign countries that could assist reconciliation in Thai society”, on Tuesday 18 January 2011 at the Miracle Grand Convention Hotel, Bangkok. This seminar provided opportunities to gain knowledge and experience about the management of conflicts in foreign countries from experts from the UNDP and to think about setting appropriate ways to manage the conflict and build reconciliation in Thailand.

6. Focus group meeting entitled “Root causes of the conflict and ways to achieve reconciliation” on Thursday 3 March 2011 at Centara Duangtawan Hotel, Chiang Mai Province.

7. Focus group meeting entitled “Root causes of the conflict and ways to achieve reconciliation” on Friday 29 April 2011 at Sunee Grand Hotel, Ubol Rachathani Province.

8. Meeting 10/2554 of Research and Academic Activities Sub-commission (to hear the opinions of senior experts) on Tuesday 13 September 2011 at Rama Gardens Hotel Bangkok.

⁵³

TRCT organized two discussion group meetings to report on what had been learned from the focus group meetings on “Root causes of the conflict and ways to achieve reconciliation” as follows: 1. On Thursday 21 April 2012 at Rama Gardens Hotel Bangkok. 2. On Thursday 26 June 2012 at Rama Gardens Hotel Bangkok.

II. Political violence: Social dynamics, culture, and solutions

This is the study and creation of understanding of social dynamics and culture, the identity of social political groups involved in the current political violence, the state of division and relationship between social political groups and transition over the short term, studying the way to prevent violence in the future by considering the changing social structure and the principles of fairness and security by using theories of conflict transformation. The expected outcomes of the study are an understanding of the nature of conflict as well as the reasons and dynamics of conflict. These can be used as a basis for solving the problem and prevention in the future.

III. The system of justice and the violent political situation: Problems and solutions

This is the study of the causes of the problem of violent political conflict stemming from the system of justice, both civil and criminal, by analyzing and comparing with other countries and suggesting ways in which the complete system of justice could be reformed so as to solve the problem of conflict that is derived from the system of justice and prevent incidents of violence that might arise in the future. In addition, there was study of the possibility of applying the principles of transitional justice in building reconciliation in the initial stages so as to be a secure base for systematically reforming the system of justice. It is expected that this study will enable us to understand the problems of the system of civil justice and criminal justice in Thailand and in other countries and ways to solve the problems that arise from the system of justice which may be one of the factors leading to the solution to the problem of conflict and building reconciliation in our nation.

IV. Reforming security agencies

This is the study of the role of the army in maintaining internal security, from the past up to the present, and the role of the parliament and civil society together with the military within the context of democracy. This is also a study the application of SSR (Security Sector Reform) in other countries and the structure of the military or the system of integration of the military in other countries as well as the way of applying SSR to the Thai military. It is expected that this study will enable us to understand the authority and responsibilities of the state security agencies, especially the issue of structure and philosophy of the Thai army in performing their duties and the role of the Thai military from the past up to the present in maintaining internal security, the importance and necessity of reforming these agencies by looking at examples of application of SSR in other countries, and ways to apply SSR to the Thai military.

V. Boundaries to exercising freedom of the press in presenting news under the provisions of the law

This is the study of the boundaries of using freedom of expression of the mass media according to the Constitution of the Kingdom of Thailand B.E. 2550 and as specified in other laws enforced at the present time. The study also looks at the legal criteria that may limit

the freedom to express opinions through the mass media as well as punishments for offences against those criteria and the role and authority of organizations that have power according to the law in controlling the exercise of the freedom of the press. The study also looked at ways to effectively exercise the authority to control and monitor the freedom of the press which is not contrary to the law. Also, mechanisms of self monitoring and control of the mass media under the standards of professional ethics and ways in which the media might monitor themselves efficiently. These principles were used to explain the occurrence of political violence in April and May 2010. The study was limited to the media channels of radio, television, and newspapers. It is expected that the results of this study will enable us to know about the legal concepts related to the boundaries of freedom of expression in the media and the basic concepts of freedom of expression of the media, the role and authority according to law in the control of freedom of expression of the media and ways to use authority to control freedom of expression efficiently and not contrary to the law. Also to understand the mechanisms of self-control used by the mass media under the standards of professional ethics, and ways in which the mass media might effectively monitor and control themselves.

VI. From the root causes of the conflict to a way out to reconciliation

This is the synthesis of what has been learned from research into the five areas mentioned above. It also includes experiences in managing conflict in Thailand and in other countries that can show the government and those involved how to build reconciliation in our society in both the short and long term.

1.4.2.4 Strategies for Reconciliation Sub-commission⁵⁴

TRCT established the Strategies for Reconciliation Sub-commission to act as an impartial coordination unit among all parties, especially between opponents in the conflict. The Sub-commission facilitated discussions among the groups to find a way to solve the problems and build reconciliation together in a systematic way as well as to suggest concrete ways in which violence could be prevented from happening again or expanding. In this way, the goal of leading the country to overcome the conflict and achieve reconciliation may be achieved.

I. Meetings

The Strategies for Reconciliation Sub-commission had a total of 10 meetings as follows: In 2010 there were 1 meetings; In 2011 there were 4 meetings; In 2012 there were 5 meetings.

II. Opening the door in building reconciliation

The Strategies for Reconciliation Sub-commission carried out the duties that were assigned to it and performed its role as an important mediator that supported and coordinated open exchange and discussion of views and opinions of individuals, organizations, and networks of

⁵⁴ Appendix 15.

people; especially opponents in the conflict, or people that could play an important role in building reconciliation in the country through peaceful means by talking together informally, organizing discussion meetings,⁵⁵ and coordinating with organizations until a network formed to “overcome violence and achieve reconciliation”.⁵⁶ Also, to find a way to reconcile together in a peaceful way that matched with the current situation and to suggest concrete ways to prevent violence from occurring again.

III. Communicating with the public

The Sub-commission is very aware that in the current state of conflict the media should be very careful and responsible in presenting to the public information which is correct

⁵⁵ Five discussion forums were organized as follows:

1. Discussion forum on “Ways for Political Parties to Lead the Country in Overcoming Conflict After the Election” on 30 May 2011 at Siam City Hotel. This was a joint cooperation between TRCT and Thai PBS Television Station. This discussion forum was organized in response to an announcement that the Thai parliament would be dissolved and elections held on 3 July 2011. Many political parties presented the issue of reconciliation as a major focus of their election campaigns. Therefore, TRCT thought that this was an appropriate time to commence building understanding and to disseminate ideas to all groups involved, especially the public, on the causes of the conflict as well as ways to build reconciliation by following the recommendations of TRCT.
2. A discussion forum on “Ways for TRCT to Proceed in Presenting Reconciliation to the Nation” on Thursday 7 July 2011 at the Rama Gardens Hotel in Bangkok. The objective of the forum was to listen to the opinions of the public on issues stemming from requests made both before and after the election from political groups, business groups, professional media groups, and networks of civil society that TRCT should be assigned as an independent and impartial group that would drive forward reconciliation using procedures that were suitable and fair.
3. Discussion forum on “The Role of Truth for Reconciliation Commissions and Transitional Justice” on Friday September 2011 at Siam City Hotel, Bangkok. The objective of the forum was to help Thai society understand clearly about truth for reconciliation commissions (TRC) and the work procedures of TRCT that uses the principles of transitional justice in a modified form in its work. In carrying out its work it was thought suitable to disseminate knowledge to the public so as to build a common understanding and lead society to reconciliation. Ms. Priscilla Hayner, an expert in truth commissions and transitional justice, was invited to participate as a speaker to present recommendations and relate her experience in working with TRC’s and building reconciliation.
4. Discussion forum on “Reconciliation in Social and Political Flux, 2012” on Monday 30 January 2012 at Rama Gardens Hotel, Bangkok. The objective was to assess the present situation in Thai society which is still divided in its thinking and political views. There are still rapid political changes or movements and this is a risk factor that may lead to new conflict and more violence. The forum provided opportunities for all sides to listen to opinions and promoted participation in solving the conflict in a peaceful way through open discussion and in finding a solution to the conflict together. Efforts were made to try and reduce negative attitudes such as wanting to defeat the other side and looking at the problem just from one’s own perspective. Also, to consider the benefit to the country over personal benefit and to clarify the points that all parties could compromise on or agree would be suitable ways to build reconciliation in our country. From these, TRCT could set suitable measures and adjust its strategic plan to build reconciliation.
5. Discussion forum on “Youth and Reconciliation in Social and Political Flux, 2012” on Saturday 11 February 2012 at Grand Mercure Fortune Hotel, Bangkok. The objective of the forum was to encourage participation of the public in the process of reconciliation. TRCT foresaw that participation of the public is important in building reconciliation in Thai society, especially the role of youth who at present are an important element in the dynamic social changes and in reconciliation. The information that was obtained was used to set measures to solve the problem of conflict and also to build future reconciliation. At the same time, the forum promoted awareness among youth of the root causes of the conflict and an understanding of the role of investigating and truth-seeking in promoting reconciliation in the country.

⁵⁶ Because of concerns that arose before the election on 3 July 2011, the Sub-commission consulted with organizations from a number of sectors including business organizations, professional media organizations, and a group of 14 civil society organizations including the Thai Stock Exchange Business Council, Association of Thai Banks, Thai Chamber of Commerce, Industrial Council of Thailand, Thai Tourism Industry Council, Thai Journalists Association, Thai Association of Radio and Television Journalists, the Office of Peace and Good Governance, the King Mongkut Institute, Center for Study and Development of Peaceful Means, Mahidol

and fair to all sides. The media should avoid presenting news in a way that distorts the truth and might arouse and incite people to violence, division, and misunderstanding as this would destroy the atmosphere for peace and reconciliation in the country. These days, communication technology has made it possible to broadcast news to a much wider audience very quickly. The public accept the news more easily and see the media as one of the important mechanisms that can lead our country to overcome the conflict.

Therefore, to ensure that news is correct and comprehensive the channels for communication with the public should be broadened. This will enable the people to begin to consider ways to solve the problem together. It will present opportunities to hear opinions from all sides while holding to the principles of impartiality and highest benefit to the nation and to all the people. TRCT have opened a channel of communication with the public via the program “TRCT Reports to the People” which was broadcast every Friday from 8:40 – 9:30 p.m. on Channel 11.⁵⁷ In addition, there was communication with the public through online social networks, both websites,⁵⁸ Facebook,⁵⁹ and Twitter.⁶⁰

IV. Meetings and visits of H.E. Kofi Anan, former Secretary-General of the United Nations, and H.E. Martti Ahtisaari, former President of Finland.

The conflict and political violence have had an enormous affect on Thai society and has also affected the international community. TRCT is trying to find a path and procedures to build reconciliation for our country which correspond to universal standards and the international standards of human rights. Professor Dr. Kanit Nanakorn, Chairman of TRCT and Mr. Kittipong Kittayarak, TRCT Commissioner and Head of the Strategies for Reconciliation Sub-commission traveled to meet and confer with H.E. Kofi Anan, former Secretary-General of the United Nations, and H.E. Mr. Martti Ahtisaari, former President of Finland. Both of these gentlemen have received the Nobel Peace Prize and are world experts in diplomatic negotiations in resolving disputes and in post-conflict management. The visit took place from 18-23 October 2011. Meetings were

University, Network of Academics Against Violence, the Starfish Group, the World Youth Network, and the Medical Council which made the following three recommendations on 30 June 2011:

1. All political parties and political groups must accept the results of the election and avoid doing anything that will lead to a return to any form of violence.
2. All political parties must show their intention to reduce conflict and lead the country to reconciliation. It should be seen as a social contract that they will proceed rapidly with this after the election.
3. Building reconciliation must be done by an organization that is independent; not by one of the parties in the conflict. Further, the process of building reconciliation must be suitable and fair.

⁵⁷ The first broadcast was on Friday 7 October 2011. This can be listened to on www.youtube.com by searching for “รายการ คอป. รายงานประชาชน”.

⁵⁸ <http://www.thaitruthcommission.org>

⁵⁹ <http://www.facebook.com/TRCT2010>

⁶⁰ [Twitter@THAI_TRC](https://twitter.com/THAI_TRC)

held in the Republic of Finland and the Confederation of Switzerland. The representatives of TRCT received suggestions on ways to proceed in order to build enduring reconciliation in Thailand.

Later, at the invitation of TRCT, H.E. Kofi Anan and H.E. Mr. Martti Ahtisaari paid a visit to Thailand.⁶¹ The visit took place from 16-19 February 2012. Their Excellencies participated in a conference on finding ways to build reconciliation in Thailand⁶² and met for discussions with all parties involved; government leaders, leaders of the opposition in parliament, representatives of victims and those who were injured, representatives of business groups, religious leaders, representatives of civil society groups, representatives of the media, women's groups, and representatives of youth groups from various regions. From this conference TRCT received suggestions that were useful in leading Thai society to overcome the conflict and promote future reconciliation.

⁶¹ In order to make the visit to Thailand of these two important people and their accompanying party proceed in the most orderly and efficient manner and to achieve the objectives set for the visit, TRCT established an additional Sub-commission to prepare for the visit to Thailand of H.E. Kofi Anan, former Secretary-General of the United Nations, and H.E. Martti Ahtisaari, former President of Finland.

⁶² The objective of this visit was to support and promote the reconciliation that existed in Thailand, to listen and learn, and to contribute the benefit of their experience in reconciliation; not to be a mediator in reconciling the conflict. (Appendix 17)

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



PART

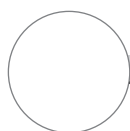
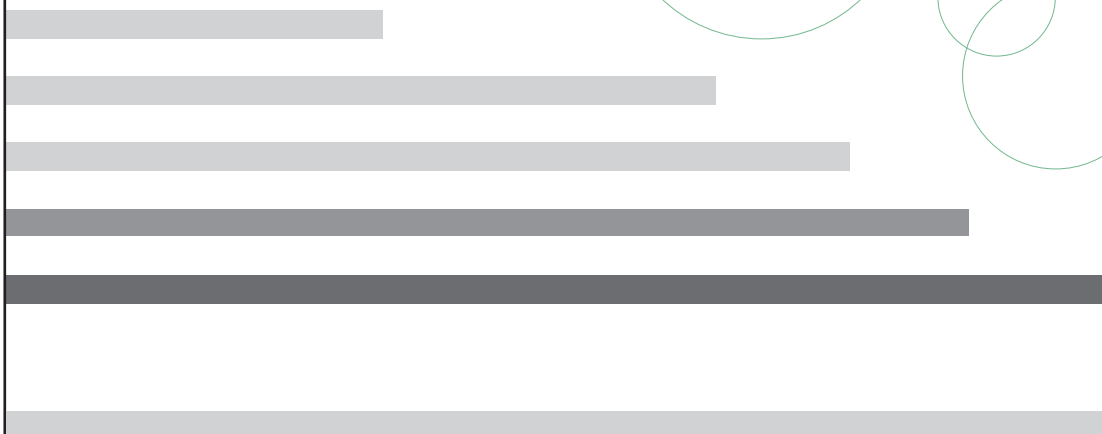
Summary of Incidents of Violence and Violations of Rights

2

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



PART

2

Summary of Incidents of Violence and Violations of Rights

2.1 Introduction

The conflict and violent incidents that recently occurred in Thailand, especially during April and May 2010, resulted in tremendous loss and damage to the nation and affected all Thai people. It is necessary to determine the truth about the events and the context in which they occurred and to make this truth known to all to help bring about a common understanding and help prevent future violence and damage. An investigation must be conducted in order to investigate the immediate causes and the root causes of the violent conflict, violations of human rights, loss of life, damage to property and the physical and emotional affects on people's lives as well as other forms of damage. This is done to build a common understanding, promote restoration and rehabilitation as well as justice and fairness in our society. TRCT hopes that this will prevent such violence from ever occurring again and that it will lead to happiness and peace for our society – a society that is tolerant, patient, and accepting of different ways of thinking. In addition, it is hoped that it will lead to an enduring reconciliation in Thailand. The Truth for Reconciliation Commission of Thailand (TRCT) was established by the Regulation of the Office of the Prime Minister endorsed on June 15, 2010. TRCT has set the following operations strategy: 1) Investigate and determine the truth; 2) Restore, rehabilitate and prevent violence; 3) Research into the root causes of the conflict; and 4) Build reconciliation and prevent violence from reoccurring. TRCT appointed a separate sub-commission to work in each of the above focus areas.⁶³

2.1.1 Proceedings of the Investigation and Truth-seeking Sub-commission

For the first focus area, TRCT established an Investigation and Truth-seeking Sub-commission (Sub-commission) to investigate the facts relating to the unrest and violence that have occurred in our society, especially during April and May 2010, and the root causes of the violent conflict over the past few years.⁶⁴ The Sub-commission collected information and facts as well

⁶³ First Interim Report (17 July 2010 – 16 January 2011) April 2011. Page 3

⁶⁴ First Interim Report (17 July 2010 – 16 January 2011) April 2011. Page 6

as opinions from all involved parties that would help establish the truth about what occurred.⁶⁵ The truth-seeking sub commission was appointed by TRCT Order No. 3/2553 dated 6 August 2010 with the following power and duties:

1) To investigate and uncover the truth about the events of violence that took place in Thailand, especially during April and May 2010.

2) To request representatives of government agencies as well as foreign and Thai experts or people involved to clarify points and submit documents, materials, or information for consideration by the Commission.

3) To undertake research aimed at clarifying the root causes and antecedents of the conflicts; within legal, political and historical contexts; that led to the division and violence in Thai society that could be of benefit for further studies.

4) To produce reports of every incident during the events to be presented to the Commission for further consideration.

2.1.2 Conceptual Framework Applied in Investigation and Truth-seeking

In investigating and searching for the truth about the violence in April-May 2010, the Sub-commission held to some important principles and concepts in carrying out the duties of TRCT. It stressed the concept that “there is more than one truth” and uses the word “truths” instead of “truth” which reflects the fact that different people and different sides have their own version of the truth. The Sub-commission’s aim is to establish a truth that is acceptable to the various groups by basing the process on forums that allow for expression of the “points of view” or “truths” of every party. These were then compiled together, analyzed along with facts gathered using forensic science and statements from witnesses, and considered objectively. The goal of truth-seeking is to provide answers to the basic questions: “What happened?”, “How did it happen?”, “Why did it happen?”, and “What impact did it have?” Answers to these basic questions will help those involved and the wider society set a framework for proceeding that will be the beginnings of creating justice and reconciliation in our country.

2.1.3 Conceptual Framework Applied in Proceedings of Investigation and Truth-seeking Sub-committee

The investigation and truth seeking of TRCT focused on why the violent incidents occurred, the context, who was involved in the incidents, and the reasons why they became involved. Also, how such incidents can be prevented in the future and what needs to be done to prevent them from reoccurring. Some parts of TRCT’s investigation may be similar to those

⁶⁵ First Interim Report (17 July 2010 – 16 January 2011) April 2011. Page 7

employed in criminal investigations but this was not always the case as the intent of criminal investigators is to apprehend offenders and to prosecute them by finding witnesses and evidence to prove wrongdoing on the part of the accused. While carrying out its investigation, TRCT focused on building an understanding of the political background to the conflict, from the time of the declaration of the Constitution of the Kingdom of Thailand B.E. 2540, which led to the violence during April and May 2010, as well as to investigate the political violence that occurred during those two months. In this way, TRCT hopes to create an understanding of the overall picture of the political events. TRCT's investigation and truth-seeking had the following conceptual structure:⁶⁶

1) To disclose the truth about the incidents to the public and to help the people of Thailand understand how such incidents of violence can be avoided in the future. TRCT's aim is not to identify wrongdoers and prosecute them in a court of law;

2) To adhere to the principles of human rights and democracy, including national sovereignty and reconciliation; including the duty of the state to protect the human rights of all people, to respect individual rights and the right to peaceful and unarmed demonstration, to use appropriate force to disband demonstrations according to international standards or conventions, and to respect the right of armed personnel to protect themselves and determine whether this right was exercised judicially or not;

3) To provide opportunities for accused persons to explain their actions;

4) To weigh evidence obtained from witnesses from all parties, and forensic evidence;

5) To conduct in-depth investigations of incidents and gather information on other related issues;

6) To listen to all parties, parties of interest, intermediaries, and experts in order to obtain facts, opinions, and recommendations; and to use these to prove or affirm the truth about violent events;

7) To protect the anonymity of sources and evidence when requested from those sources;

8) To establish all plausible hypotheses, discard the least plausible, and conduct in-depth investigation of the most plausible based on the supporting and conflicting information available;

9) To investigate the actions of individuals which led to actions of an organized group; and

10) To investigate specific incidents in order to gain an understanding of general principles and an overall view of the incidents.

⁶⁶ First Interim Report (17 July 2010 – 16 January 2011) April 2011. Page 12

2.1.4 Methods of the Investigation and Truth-seeking Sub-committee

1) The TRCT sub-committees needed to investigate and determine the truth about many confusing incidents. As there were many details and a great deal of evidence and information about the incidents, both in Bangkok and in the provinces, some special investigation and truth-seeking sub-committees had to be set up to investigate specific incidents. There were five such groups which performed the following activities:

1.1 To investigate and seek the truth about the recent unrest and violence as well as incidents during April and May 2010 from documents and news reports.

1.2 To invite representatives from state agencies, victims of violence and those affected, individuals and representatives of agencies involved, and experts from both within Thailand and from other countries to explain facts, documents, objects submitted as evidence, or their opinions in preparation for consideration by the Commission.

1.3 To prepare investigation reports on each of the specific incidents.

Structure of the Truth-Seeking Sub-Commission	
Working Group	Particular events of the truth investigation
Group 1	Overall view of the recent political conflicts and violence in chronological order. Summarize the number of people that were killed, injured, accused, detained or disappeared. Determine the number and types of violent incidents. Estimate the loss and damages to each party.
Group 2	The six deaths at Pathumwanaram Temple. The encounter on 10th April at Kok-wua intersection. The encounter at the National Monument (Vibhawadee). The event at Thai-Com satellite station.
Group 3	The death of foreign journalists; Japanese and Italian. The murder of Maj. Gen. Khatiya Sawasdipol.
Group 4	The encounter at Silom-Bonkai area. The encounter at Dindaeng intersection - Soi Rangnam. The burning of buildings in Bangkok.
Group 5	The burning of government buildings in other provinces, namely, Khon Kaen, Udorn Thani, Chiangmai and Ubon Ratchathani. Parallel assembly of demonstrators.

2) The process of investigation and truth-seeking included identifying target groups for the collection of data; carrying out in-depth interviews; inviting individuals to visit the Commission or send data or evidence; conducting inquiry hearings and focus group meetings; searching for facts, data, and forensic evidence; interviewing experts; taking statements; inspecting documents and evidence from individuals, agencies, the state, private enterprises, and media broadcasts.

2.1 There were six groups targeted for the collection of data: 1) The United Front for Democracy against Dictatorship (UDD); 2) The government, the Center for the Resolution of Emergency Situations (CRES), and state agencies; 3) Medical personnel; 4) News reporters and photographers, both Thai and foreign; 5) Police officers, including investigation agencies such as DSI; 6) Other groups such as peace groups, citizens involved in the events, members of communities, victims of violence, and members of the public that were affected.

2.2 Data was obtained from in-depth interviews of individuals, inviting individuals to provide data and/or send evidence, and going into the field to interview individuals and groups that were involved in or witnessed incidents. This included those who were injured, relatives of victims that died, government officers who were in charge of safety and security, media, police and military personnel on duty during the incidents, foreign and Thai journalists, public health personnel, emergency medical services personnel, protestors, observers, civil society groups, peace groups, investigation officers and crime scene investigators of the violent incidents. TRCT has collected interviews of over 450 people; 160 were from government agencies.

2.3 Inquiry hearings provided opportunities for all parties to provide information. These parties include those that were wounded; relatives of those who were killed; those who were affected; protestors; agencies and state personnel, both commanders and subordinates who were directly involved; medical units; emergency teams; those who were in the incidents; and the media. TRCT organized 12 hearings sessions on the following incidents:

- 1) *Overall view of the conflict.*
- 2) *Thaicom Satellite – Incident.*
- 3) *Encounter on the 10th April 2010.*
- 4) *Death of a Japanese photographer during the encounter on the 10th April 2010.*
- 5) *Democracy Monument – Incident on the 28th April 2010.*
- 6) *Bonkai – Silom - Incident between the 22nd April – 19th May 2010.*
- 7) *Death of Maj.-Gen. Khattiya Sawasdipol – Incident on the 13th May 2010.*
- 8) *Dindaeng-Rangnam Intersection – Incident between the 13th- 19th May 2010.*
- 9) *Incident of the six deaths at Wat Prathumwanaram on the 19th May 2010.*
- 10) *Death of an Italian photographer on the 19th May 2010.*
- 11) *Burning of buildings in Bangkok and government properties in other provinces.*
- 12) *Parallel demonstrations in other provinces.*

2.4 There were focus group meetings on seven issues. These included interviews with experts and those involved in the following issues:

- 1) The immediate causes of the violent conflict.
- 2) The conflict involving the army, violence and illegal weapons. TRCT invited relevant representatives to discuss these matters but most were reluctant to provide information. None of them were comfortable about attending this session; therefore, TRCT undertook individual interviews and sub-commissioners interviewed media reporters and academics.
- 3) Freedom of assembly. Peaceful, unarmed demonstrations which are according to the law and human right principles.
- 4) Crowd Control: Prevention measures and rules of engagement relating to use of force and firearms.
- 5) Media Protection: The role of media in encouraging peace or inciting violence and measures to prevent reoccurrences.
- 6) The role and protection of medical personnel in violent incidents.
- 7) The role of the people and various groups in preventing and reducing violent incidents.

2.5 Investigations and truth seeking for facts and evidence using methods of forensic science.

1) The investigations and truth seeking of TRCT emphasized academic principles and forensic evidence. TRCT was assisted by four forensic science specialists from Switzerland: One criminal investigation expert and one expert on visual imagery who worked with the Commission from 2011 to July 2012; and two ballistic forensic experts who worked with the Commission during June and July 2012. The experts were given only limited access to documents from government departments and individuals. They were not able to obtain copies of crime scene reports from the National Police Department. In addition, most evidence provided to TRCT did not include photos, or the photos were very unclear. Furthermore, language support and translation was very restricted as the documents that needed translation required specialized knowledge in forensic science. However, the experts arranged sessions to train commissioners and staff of TRCT and provide advice based on their own experience. TRCT conducted visits to crime scenes in the hope of collecting evidence but as the incidents had occurred a relatively long time before their visit, and because TRCT did not possess the necessary tools, the experts could only collect limited evidence and information for further study. Some evidence was taken overseas for a LAB study. Because violent incidents during April-May 2010 occurred in many locations and the experts were only available for a limited time to assist TRCT, it was only possible to examine a few specific cases. The Visual Forensic Imagery Specialist examined material on the incident of April 10th 2010 involving the death of a Japanese journalist and

the six deaths at Wat Pathumwanaram. Ballistic forensic experts examined evidence on the death of the Japanese journalist, the death of Mr. Wasan Phutong on April 10th, the death of Maj. Gen. Khattiya Sawasdipol, the death of the Italian photographer, the Rachaprarop Incidents, and the incident on Ratchadamri.

2) TRCT also consulted with academics and experts in Thailand; forensic science experts, crime scene experts and ballistic forensic experts and requested opinions given in forensic reports as well as identification of firearms and weapons used.

3) Postmortem examinations of victims were conducted by forensic specialists in a number of hospitals. The autopsy reports are sent to the investigation officer so TRCT only received copies of some of the autopsy reports. TRCT made several requests to the authorities responsible but never received the necessary cooperation. In some cases, government agencies claimed that information was confidential and were therefore not able to disclose it. TRCT received only 61 autopsy reports. Out of the 61 reports, only some reports provided photos. TRCT received investigation reports for only 50 out of a total of 92 cases involving the death of a victim. Details provided in some of the investigation reports were very limited. For instance, some of the photos provided in the copy were black and white, very unclear, and it was very difficult to recognize details; there were no photos of ammunition or metal fragments discovered in the bodies. In many cases, no crime scene and autopsy report is available. TRCT received all crime scene reports from the Forensic Science Department and crime scene inspection reports of the Central Investigation Bureau, National Thai Police; however, these units did not cover all the cases of death.

2.6 Statements were taken from all parties affected by the incidents of unrest and violence including relatives of people that had been killed, injured, accused, had their property damaged, owners of businesses in the area of demonstrations, officers on duty at the time and others. TRCT collected 1,643 statements; some of the statements have been included in the section on investigation of violent incidents.

2.7 Documents received from the state, private enterprises, and individuals as well as photos, video clips, news reports, articles and other printed material relating to the incidents were studied.

2.1.5 Problems and Obstructions to Investigations and Truth-Seeking

Although TRCT had the power and duty to investigate by conducting interviews and requesting information, documents and evidence it encountered many obstacles such as:

1) The Commission had to rely on the willingness of individuals and agencies to provide evidence and testimony. It had no authority to subpoena individuals or agencies when they are reluctant to cooperate. Lack of cooperation from government agencies and private

enterprises in providing information was an obstacle to TRCT procedures. Not being able to obtain enough of the important facts made it difficult to investigate some issues. In some cases, government agencies claimed that information was confidential and were therefore not able to disclose it. This meant that the Commission lacked important data, which was necessary in order to determine the truth with any reasonable degree of certainty. Questions were then raised by the public whether the agencies involved; by not giving the Commission permission to disclose information, or not wanting the Commission to disclose it, or being reluctant to provide information to the Commission; were in fact just trying to cover up important facts. It appears that the agencies involved thought it better not to disclose the information to the public despite the risk of censure regarding their lack of transparency or the obstacle it would create to TRCT's ability to bring about reconciliation. TRCT requested information from individuals and agencies verbally and in writing. This process takes time before all the documents, information, and evidence have been gathered together. In some cases, TRCT received no cooperation at all. Until now, TRCT has not been able to obtain all the information.

2) TRCT did not receive a suitable level of cooperation from state agencies for almost a whole year. Maybe this was because of the political division and concerns about the impartiality of TRCT. TRCT was established by the government, which is considered to be one of the parties in the conflict, and this raised doubts in the minds of the other side in the conflict, especially among some of the demonstrators and the UDD. When this was combined with the general atmosphere of conflict and lack of trust among the groups, especially on the part of political groups or political parties and supporters of the UDD, opportunities to interview witnesses was limited. However, after the election in July 2011 the situation calmed down, and people were more confident that TRCT was independent and impartial. Consequently, TRCT received more cooperation from various parties.

3) A lack of protection for individuals and agencies that provided information affected the willingness of individuals and agencies to come forward, talk to the Commission, and provide information, news, or evidence.

4) Managing the expectations of people that incurred losses or were affected was difficult because TRCT had no direct involvement in delivering restoration. TRCT merely provided recommendations to the relevant state agencies that TRCT believed it appropriate that particular restorations be provided according to the authority of those agencies.

5) TRCT has one observation regarding protection of the sites where incidents occurred. It was seen in many cases that state investigation agencies did not, or were not able to, cordon off the areas, and keep them in their original state. These areas were cleaned before they were completely and fully investigated. Important evidence could therefore have been lost, removed, or destroyed. TRCT also saw that many of the sites of incidents were not inspected immediately after the incidents or were not inspected at all. This is not only

an obstacle to the investigations of the Commission, it also impedes victim's ability to receive justice.

6) Some of the photographs and video recordings that are used in the report were photographs widely broadcast through mass media channels. Although TRCT was working with specialized forensic science specialists, we were unable to identify the sources of the photographs and so had to depend on evidence in the surroundings when analyzing the photographs. We had so many photos, including those that were taken from public broadcasts, that TRCT was not able to investigate all of them, especially photos that were distributed on the Internet.

7) TRCT tried to listen to as broad a range of opinions and views as possible from all parties but information obtained from some agencies or individuals was one-sided and not fair. TRCT will present the conflicting information along with the findings of TRCT.

2.2 Sequence of Events and the Political Situation after Declaration of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) and During 2010.

2.2.1 Political Roles Before the Declaration of the Constitution of the Kingdom of Thailand B.E. 2540 (1997).

The promulgation of the Constitution of the Kingdom of Thailand B.E. 2540 is the result of a massive political reform arising from the ongoing political violence in May 1992 and the economic crisis in 1994. On December 26th, 1996, General Chavalit Yongchaiyuth, Prime Minister at that time, established the Constitution Drafting Assembly of Thailand (CDA) appointed to draw up a new Constitution. CDA consisted of 99 members - 76 deputies elected by citizens of 76 provinces and 23 academics from higher education institutions. Mr. Uthai Pimjaichon was president of the CDA. The completed draft was submitted to the speaker of the parliament on August 15, 1997. The 1997 Constitution of the Kingdom of Thailand promulgated on October 11, 1997 was popularly called the "People's Constitution" and is the first constitution of Thailand that involved the participation of the people.

2.2.2. Political Roles During the Period when the Constitution of the Kingdom of Thailand B.E. 2540 (1997) was in Force.

The Constitution of the Kingdom of Thailand B.E. 2540 (1997) was intended to reform politics by promoting and protecting the rights and liberties of the people. It also provided for increased public participation in the governing of the country as well as a monitoring of the exercise of state power so as to achieve transparency in politics. It provided for elected members of the senate who were not affiliated with any political party and for independent organizations. One important aspect of the 1997 Constitution was an improved political structure that was

more stable and efficient and strengthened the government by stipulating that all members of parliament; both elected and selected, become a member of a political party.

After the elections on 6 January 2001, the Thai Rak Thai Party of Pol. Lt. Col. Thaksin Shinawatra won the election and established the new government. It subsequently merged with smaller political parties, such as the Kwam Wang Mai and the Seri Dhamma Party, to secure 294 seats in parliament. Later, Thai Rak Thai also merged with the Chart Pattana Party resulting in the government controlling 319 out of the 500 seats in parliament. Combined with the 24 seats of the Thai Nation Party and the remaining 1 seat of the New Aspiration Party, the government now had control of 344 seats in the House of Representatives. The opposition party had only 128 seats. Thai Rak Thai was thus referred to as an “Elected Dictatorship” or “Tyranny of the majority” because it could use its majority votes to override minority votes.

Since the promulgation of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) until the violent conflict during April-May 2010, particularly during the administration of the Thai Rak Thai Party, the government was alleged to have violated the principles of democracy, the rule of law, and human rights. It was also alleged that the government abused its power to gain political and economic benefit. The process of investigating these abuses appeared to be weak and inefficient; in addition, it was alleged that the executive branch intervened in the investigation process. This led to the military coup d'état of 2006 which used procedures that were against the rule of law and the democratic process. In addition, law enforcement procedures were weak and inefficient leading to the use of power outside the system to solve problems. Such solutions resulted in even more problems.

Moreover, the judiciary, who has the role and responsibility of upholding the rule of law, was not able to end the political conflict. The judiciary itself was widely criticized for violating the rule of law. An issue that ultimately became a major issue in the conflict that subsequently developed was the verdict of the Constitutional Court in the trial of Pol. Lt. Col. Thaksin Shinawatra who was accused of violating Section 295 of the Constitution of the Kingdom of Thailand B.E. 2540, widely referred to as the “hidden assets” case. The Constitutional Court did not follow the principles of law in this case. In the issue of prerequisites for prosecution, i.e. conditions that must be considered before proceeding, eleven judges decided that the case was under its jurisdiction and four judges decided that it was not. In court proceedings regarding the facts of the case, seven judges found that Thaksin was guilty while six judges found that he was innocent. Two judges that had previously decided that the case was not under the Constitutional Court jurisdiction did not rule on the facts of the case. Surprisingly, the court subsequently counted the two votes of these judges as “not guilty” which when combined with the existing not-guilty votes totaled eight not-guilty votes. This meant that the decision of the court was that Thaksin was innocent of the charges. Such a decision is hard for normal people to understand and gives rise to suspicion. Moreover, the political atmosphere

of the time was very tense and expectations were so high that the Constitutional Court was shaken. This can be illustrated by the following:

1) Mr. Anan Kate-Wong elaborated his ruling for the verdict (In the Counsel of State's Royal Gazette Book 118 Chapter 77A of September 7th 2011, Mr. Anan Kate-Wong) as follows:

"As for concerns reflected in international and local media that the first general election under the new Constitution left two problems. If the defendant is no longer Prime Minister, the first stable government in Thai democratic history might be challenged. On the other hand, if the defendant is freed from the charges by different rules other than the original consideration, the measures that were used to eliminate malpractice in the long run would not be effective. I would like to give assurance that such worry cannot occur because the Constitutional Court has decided on only 8 issues under Section 295 and there have been no previous cases that could be compared to the defendant's case, especially on assets that are shares. In Mr. P's case, he declared the list of assets and debts in the form of bank accounts and land deeds owned by him and his wife at less than what was fact. There was no issue of shares in that case which is clearly different from the current defendant's case."

2) Former Constitutional Court judge Mr. Chumpol Na Songkla provided the following statement to the Media (Thai Post Newspaper, dated October 14th 2004) as follows:

"Around 11 million Thais voted for the Thai Rak Thai Party and Pol. Lt. Col. Thaksin Shinawatra to become Prime Minister of Thailand in the general election and the people's voices were voices from heaven. How could 15 judges defy that and vote him out of office? Did you see the power of Thaksin's supporters that day (3 August 2001) and what might have happened if the Constitutional Court had ruled Thaksin guilty? Even Klanarong (Mr. Klanarong Chantik, Spokesman of NACC at the time) had to escape through the Court's backdoor. If the Constitutional Court had convicted Thaksin, Thaksins' supporters may have burned down the court that very day. The Court has given prudent consideration to the case. No benefits or lobbying is involved. The election triumph of 6 January 2001 has shown that the people did not care about the NACC allegations because the majority believed that the allegations were harmful. If Pol. Lt. Col. Thaksin Shinawatra did not become Prime Minister that day, who else?...Democracy requires listening to the voices of the majority, when Thaksin is supported by the majority, who are 11 judges to vote him out of office? Is this called democracy? The issue in the concealment case is that Article 295 of the Constitution was not well-drafted and this resulted in a ruling in favor of the defendant"

The fact that two judges did not decide on the facts of the case and the fact that the court itself included their two votes to the 6 not-guilty votes was a failure to comply with the law. There were actually two failures; the first was that the two judges did not decide on the case, which is their duty to do so; and the second failure was the inclusion of the two no votes into the number of not-guilty votes. This judgment has raised many suspicions because Section 303 of the Constitution of the Kingdom of Thailand B.E. 2540 states that a cause for discharging a person from their position is ‘deliberate use of power against the rule of the Constitution or the law.’ The aforesaid malpractice of the two judges and the court itself was a distortion of the law, which led to serious ambiguity regarding the rule of law in Thailand. Since the distortion of law in Thaksin’s hidden assets case of 2001, the government has neglected to carry out any investigation into the case to determine the underlying reasons for such a suspicious occurrence.⁶⁷

In the next general election on 6th February 2005, the Election Commission of Thailand (ECT) was criticized for not being impartial and serving only the benefit of a certain party. The election resulted in the Democrat Party winning 96 seats, Chart Thai party took 25 seats, and Mahachon Party got 3 seats in the House of Representatives. This led to Mr. Banyat Bantadtan’s resignation as leader of the Democrat Party, Mr. Abhisit Vejjajiva was chosen by the party as Banyat’s successor. While the Thai Rak Thai Party used “popularism” to seek an absolute majority in its own right. On 9th March 2005, Thai Rak Thai won 377 out of the 500 seats in the House of Representatives, received over 19 million votes, and made Pol. Lt. Col. Thaksin Shinawatra Prime Minister for a second term.

Later, conflict arose among political parties within Thai Rak Thai Party. There was corruption, especially involving the purchase of the CTX 9000 scanners in the Suvarnabhumi Airport Construction Project which led to the dismissal of the Transport Minister after a motion of no confidence. It also gave rise to opposition from the people regarding the “pivotal problem”, whether the use of power in the form of “parliamentary dictatorship” or negative rumors about civil service administration of the country and policies of the government as well as the hidden assets case, interference in the system of justice, policy-based corruption, and conflicts of interest. Operations according to the policy on drug suppression that was in effect for a period of only two months made people doubt that all the killings were related to drug suppression. Evidence revealed that the killing of more than 2,500 people was carried out by authorities that were commonly referred to as “killers that break the link”. There was also the issue of unrest in the three southern border provinces such as violence by authorities in the incident at the Krue Se Mosque - Tak Bai and the disappearance of many suspected separatists. There was

⁶⁷ 2nd TRCT Interim Report issued after the first six months of proceedings.

also interference in the freedom of the press. These issues led to widespread criticism of the Thaksin government by the public and mass media, both in Thailand and abroad.

It appeared strange that the drug suppression activities of the government of Pol. Lt. Col. Thaksin Shinawatra resulted in the death of so many people so Gen. Surayud Chulanont established an independent commission (henceforth referred to as Kor Tor Noh) to investigate, study, and analyze the setting of the drug suppression policy as well as policies on its implementation that resulted in such loss of life and injuries as well as damage to the reputation and property of the people. One reason for the establishment of Kor Tor Noh was criticism by the international community. **It pointed out in its “Preliminary Investigation Report” that this incident should be called a “Crime against Humanity”** and must be investigated further. This report was published in both Thai and English and distributed locally and internationally.

In any event, without investigation into the truth or correctness of his claim, Deputy Prime Minister (Pol. Capt. Chalerm Ubamrung) appeared on the television program “The Yingluck government meets the people” on June 30th, 2012 and stated that:

“Drug suppression was most effective during the term of Pol. Lt. Col. Thaksin Shinawatra. The death of 2,500 people has been claimed to be “link-breaker killings”. In fact, after the coup d’état, there were two investigations into this matter, Professor Dr. Kanit Nanakorn, chair of the investigation confirmed that there was no “link-breaker killings.”

This statement was so incorrect that TRCT had to explain the truth to the Deputy Prime Minister (Pol. Capt. Chalerm Ubamrung) in TRCT’s letter 385/2555 dated July 9th, 2012 and provide an explanation to the Prime Minister in TRCT’s letter 386/2555 dated July 9th, 2012.

One news analysis program that criticized Pol. Lt. Col. Thaksin Shinawatra was Muangthai Raisabadah (Thailand Weekly) on Channel 9 hosted by Sondhi Limthongkul and Sarocha Pornudomsak. The program was subsequently forced off the air so Sondhi Limthongkul delivered the program using mobile broadcasting from public areas and through the Manager Network via radio, television and Internet website. The program was welcomed by many members of the public who were dissatisfied with the government of Pol. Lt. Col. Thaksin Shinawatra. The program became a rallying point for the People’s Alliance for Democracy (PAD). On 9 February 2006, PAD and its network of public groups under the leadership of Sondhi Limthongkul, Chamlong Srimuang, Phiphob Thongchai, Somkeit Pongpaibul and Somsak Kosaisuuk gathered together to demand the resignation of Pol. Lt. Col. Thaksin Shinawatra. The core issues

for this demand were a second concealment case, this time of the sale of shares of Shin Corporation (Holding Company) valued at 73 billion baht through the Stock Exchange of Thailand, policy corruption and conflicts of interest. This led to broad opposition to the government, especially in big cities, under the leadership of PAD who identified themselves by wearing “yellow shirts”.

In the middle of this political chaos, Pol. Lt. Col. Thaksin Shinawatra dissolved the Parliament and called for a general election on 24 February 2006 in order to elect members of the House of Representatives. At the same time, PAD held a rally at Sanam Luang on 26 February 2006 insisting that Pol. Lt. Col. Thaksin Shinawatra resign from his position and that there be a second political reform before the new election. PAD later presented a proposal to invoke Article 7 of the 1997 Constitution that stipulates “Whenever there is no provision under this Constitution that can be enforced regarding a case, it shall be decided in accordance with constitution conventions of the democratic system with the King as Head of State⁶⁸.” The proposal was for His Majesty the King to use His power according to Article 7 to appoint a new prime minister. However, there was no response to this request.⁶⁹

In the general election of 2 April 2006, the opposition parties - the Democrat Party, Chart Thai Party, and Mahachon Party – did not enter candidates for the election and followed a “No Vote” Campaign which urged the public to express their dissatisfaction with the calling for this election. The Thai Rak Thai party received over 16 million votes, 50 percent of the votes cast. The “No Vote” Campaign received over 9 million votes.

Finally, the election was declared invalid by the Constitutional Court because there were problems of legitimacy with the procedures of the Election Commission according to the Constitution. An accusation was made by the Democrat Party to the Election Commission that the Thai Rak Thai Party was hiring smaller parties to register for the election. Thai Rak Thai alleged that the Democrat Party had hired smaller parties so as to be able to slander the Thai Rak Thai Party for doing so. In this matter, the Election Commission made the following decision:

⁶⁸ According to the People’s Alliance for Democracy Declaration 6/2006, PAD called a demonstration in support of royal intervention, based on Article 7 of the Constitution, to defuse the national crisis and to initiate a second political reform. 23 March 2006, Makkawan Rangsan Bridge, Bangkok.

⁶⁹ On April 25, 2006 His Majesty the King addressed the Administrative Court President Mr. Akkarathon Chularat and Supreme Court judges during a Royal audience at Klai Kangwol Palace. One part of His Majesty’s address was “...I am very distressed. Whatever happens, people call for a royally-appointed prime minister, which is not the democratic system. Referring to Article 7 of the Constitution is incorrect. You cannot cite it. Article 7 has two lines: Whatever is not stated by the Constitution should follow traditional practices or what has been done in the past. There is nothing about asking for a Royally-appointed prime minister. Asking for a Royally-appointed prime minister is not a democratic procedure. It is a procedure that is . . . excuse me, but it is unreasonable.”

The Thai Rak Thai Party, Democrat Party, Chart Pattana Party, Pandin Thai Party, and Prachatippaatai Kao Na Party have all violated Article 66 of the Constitutional Act on Political Parties B.E. 2541. The Election Commission submitted a petition to the Attorney-General requesting the Constitutional Court to order a dissolution of all five parties.

On 24 August 2006, Thaksin Shinawatra claimed that he was the target of an assassination attempt using a car bomb. Further investigation led to the arrest of Lieutenant Thawatchai Klinchana, an officer with the Internal Security Operations Command, Maj.-Gen Pairoj Theeraparp, Col. Suraphol Supradit or Set Tii, Sgt-Major Chakrit Jantta, otherwise known as Sgt. Giant, and Lt-Colonel Manas Sukprasert. Sgt. Giant was the only one to confess to the assassination attempt. Consequently, Thaksin dismissed Gen. Pallop from his position as Deputy-Director of the Internal Security Operations Command (ISOC).⁷⁰

During this political chaos, while Thaksin was attending a United Nations Summit Meeting in New York City, the “Council for Democratic Reform under the Constitutional Monarchy (CDR)” staged the coup d’état on 19 September 2006.

2.2.3 The Coup D’Etat of 19 September 2006

The Council for Democratic Reform (CDR) consisted of the following members: General Sonthi Boonyaratglin, Commander-in-Chief of the army at the time, Supreme Commander General Ruangroj Mahasarakon; Chief Adviser to the CDR, Air Force Commander Air Chief Marshal Chalit Pookpasuk, named second deputy chief of CDR, Police Commissioner-General Pol. Lt. Gen. Kowit Wattana, named third deputy chief of CDR, and National Security Council Secretary-General Gen. Winai Phatthiyakul, named Secretary-General of the CDR. After the coup d’état on 19 September 2006, CDR suspended the 1997 Constitution and dissolved the Constitutional Court. A 9-member privy council was appointed in accordance with the 2006 Interim Constitution of Thailand. At the same time, CDR announced that article 27 of the Constitutional Act on Political Parties B.E. 2541 will be enforced and political party executives will be stripped of

⁷⁰ On 13 November 2006, the National Police filed a case with the military prosecution charging Lieutenant Thawatchai Klinchana, Lieutenant-Colonel Manas Sukprasert, Colonel Surapol Supradit and Major General Pairoj Theeraparp with attempting to commit premeditated murder, attempted murder of a state official on duty, having explosives and unauthorized possession of equipment, masterminding a murder, criminal conspiracy and forging and using official documents. On 19 August 2009, the military court sentenced Lt Thawatchai Klinchana to four years, six months in prison and a fine of 3,000 baht. Col. Surapol Supradit and Lt. Col. Manas Sukprasert were jailed for six years and fined 4,000 baht. The court sentenced the three suspects for illegal possession of explosives and firearms based on the evidence; however, the charges on attempting to commit premeditated murder and attempted murder of a state official on duty were dropped due to lack of evidence. Reference: Thaipost Newspaper, 19-20 August 2009; Nation Channel, 19 August 2009.

their electoral rights for five years if a court orders their party to be dissolved. CDR released 37 announcements which were based on past benchmark decisions of courts. Furthermore, CDR appointed five more members for the Election Commission, nine members to the National Counter-Corruption Commission, and established a 12-member ad hoc Inspection Commission to look into acts seen as detrimental to the state, i.e. the corruption issue of the Thaksin administration.

On 1 October 2006, CDR enforced the 2006 Interim Constitution of Thailand and enforced an interim administration. General Surayud Chulanont was appointed prime minister. The Council for Democratic Reform under the Constitutional Monarchy (CDR) changed its name to Council of National Security (CNS) and appointed members of the National Legislative Assembly (NLA) on 11 October 2006. NLA passed over 70 regulations⁷¹ including the Internal Security Act, B.E. 2551 (2008) which rendered power and responsibility for the maintenance of internal security to the Internal Security Operations Command (ISOC), the Computer Crimes Act B.E. 2550 (2007), and many other laws limiting of rights and liberty of the people, many of which are still in force.

The military coup on 19 September 2006 was supported by PAD and certain groups who were weary of the serious problems with the administration of Pol. Lt. Col Thaksin Shinawatra and did not see any other way out. The coup d'état was a non-constitutional change of government which was followed by an ongoing political crisis and several incidents of violence right up to the present. Many public groups, academics, and the UDD believe the (B.E.2550) Constitution of Thailand to be the major cause of the following political events:

22 September 2006. Three days after the coup d'état, a group of people gathered together in the name of the "September 19 Network Against the Coup". Subsequently, ongoing activities and events against the coup have been organized and held at universities in Bangkok and other provinces.

31 October 2006. Nuamthong Praiwal, a taxi driver hanged himself as the ultimate protest against the coup.

1 November 2006. An anti-coup rally gathered at Sanam Luang under the name of "Saturday Voice against Dictatorship". The group announced that they will rally at Sanam Luang every Saturday. Ongoing rallies were held at different locations.

10 March 2007. A citizen's group led by Sombat Bunngam-anong held a rally at Sanam Luang called the "Red Say No" Campaign and used the red symbol in their campaign

⁷¹ http://th.wikipedia.org/wiki/National_Legislative_Assembly#cite_note-o, findings as of August 1, 2012

to refuse to accept the 2007 draft constitution enacted by CNS by voting no in the referendum.

18 March 2007. The September 19 Network Opposing the Coup held a demonstration march to the residence of General Prem Tinsulanonda, President of the Privy Council, who was accused of masterminding the 2006 military coup.

23 March 2007. Veera Musikhapong, Jatuporn Promjan, Jakkrapon Penkae, Nattawut Saikua, Kohkaew Pikulthong and the PTV Broadcasting Channel held a mass rally at Sanam Luang for the first time.

30 May 2007. The Constitutional Court ruled for the dissolution of four parties; Thai Rak Thai Party, Pandin Thai Party, Pattana Chart Thai Party and Prachatippaatai Kao Na Party; for violating Article 66 of the Constitutional Act on Political Parties B.E. 2541 during the general election on April 2, 2006. The Court withdrew the right of all four parties to elect a board of directors for five years as announced by CDR. The Democrat Party did not have to dissolve. Board members of the parties that were dissolved lost their voting rights and the right to hold political office for five years.

2 June 2007. A “democracy against dictatorship” mass rally was held at Sanam Luang. Consequently, the Democratic Alliance against Dictatorship (DAAD) was formed to oust the Council of National Security (CNS).

1 July 2007. UDD marched to Prem Tinsulanonda’s residence to pressure Prem to immediately resign from the Privy Council. Authorities blocked the Thewet Intersection.

22 July 2007. DAAD demonstrated in front of Prem’s house, calling for him to resign. During the dispersal of the demonstration by the police scuffles occurred between the police and the demonstrators. The DAAD leaders then led the demonstrators back to Sanam Luang. On 26 July 2007, nine DAAD leaders surrendered to the police.

During August 2007. The 19 September Network Against the Coup, DAAD, former Thai Rak Thai members and other groups campaigned against the draft constitution 2007.

19 August 2007. The 2007 Constitution passes a national referendum with 14,727,306 votes supporting the draft and 10,747,441 voting against it.

23 August 2007. DAAD changed its name to “United Front for Democracy Against Dictatorship (UDD)”. The UDD are commonly referred to as “red shirts”. The anti-government rallies attended by many people including supporters of Pol. Lt. Col. Thaksin Shinawatra, former prime minister, and supporters of the Thai Rak Thai policies. The movements were led by Thai Rak Thai members and representatives of the people.

2.2.4 Political Roles During the Period that the Constitution of the Kingdom of Thailand B.E. 2550 (2007) was in Force.

After the administration of General Surayud Chulanont had been in office for about a year, a general election was set for 23 December 2007 according to the 2007 Constitution. Thai Rak Thai members who belonged to parties that had been dissolved by the court order of 30 May 2007 established the “People Power Party” and won 232 seats. On 29 January 2008 they formed a coalition government with other smaller parties. Samak Sundaravej became Prime Minister in the new government. The Democrat Party formed the opposition with a total of 164 parliamentary seats.

With the People’s Power Party in administration, PAD resumed movements to oppose the government again on 25 February 2008. Tension escalated into crisis when PAD supporters seized Government House and closed Donmuang and Suvarnabhumi Airports. On September 9, the constitutional court ruled against Samak Sundaravej and dismissed him from the premiership. On December 2, 2008, the Constitutional Court ruled for the dissolution of the People’s Power Party on grounds of corruption. Board members lost their voting rights and their right to hold political office was suspended for five years. This resulted in the dismissal of the newly-appointed Prime Minister, Somchai Wongsawat, from his premiership and led to the establishment of the “Phua Thai Party” and the key events described below.

28 February 2008. Thaksin Shinawatra returned to Thailand for the first time since the military coup and after the People’s Power Party had established the new government with Somchai Wongsawat as prime minister. Thaksin reported to the Supreme Court’s Criminal Division for Political Office Holders to face allegations of corruption relating to property on Ratchaphisek Road. He also reported to the Attorney-General’s Office in relation to the case of concealment of the shareholder’s structure for the SC Asset Public Company. In August 2008, he left the country once again and never reported back to the court on either of the two charges.

25 May 2008. PAD staged a mass rally to force the government of Samak Sundaravej to resign and issued an announcement to “oust the gangster Thaksin puppet regime”. On August 26, protestors seized Government House and staged continuous demonstrations to try and force the resignation of Somchai Wongsawat (Samak’s successor). The parliament was closed and PAD forced the closure of both Suvarnabhumi Airport on November 15, 2008 and Donmuang Airport. This mass rally lasted 193 days and ended on December 3, 2008. Starting in June 2008, UDD also held mass rallies at Sanam Luang opposing PAD. On 1st and 2nd September 2008, the UDD supporters left Sanam Luang to demonstrate against the demonstrations of PAD. Clashes occurred on Outer Ratchadamnoen Avenue and one of the UDD demonstrators, Mr. Narongsak Krobtaisong (Age: 55), was killed and another 42 people from both sides were injured. During the PAD rallies, there were many incidents of M79 grenades being thrown into

the area in which they were demonstrating as well as in nearby vicinities. Four PAD demonstrators were killed by M79 grenade attacks at Government House and Donmuang Airport⁷².

9 September 2008. The Constitutional Court ruled against Prime Minister Samak Sundaravej on the grounds that Samak had been paid for being a guest speaker on a TV cooking show (“Taste and Talk”). The court explained that this violated Article 267 of the Constitution and was considered a conflict of interest. On September 18, 2008, Somchai Wongsawat, acting head of the People Power Party became Prime Minister.

7 October 2008. The PAD blocked the entry to Parliament House, preventing Prime Minister Somchai Wongsawat from announcing the government’s policy. A crackdown by riot prevention police left two people dead and 443 injured.

13 October 2008. Queen Sirikit travelled to Wat Sri Prawat in Bangsai District, Nonthaburi Province to attend the cremation and funeral of Angkana Radubpanyawoot, aged 28, one of the protesters killed in clashes on October 7, 2008.

11 October 2008. UDD organized an event called “1st Mobile Truth Today Family Event” at the Thunderdome, Muangthong Thani and used the “red” emblem. The second event on “Oppose the Military Coup” was held on November 1, 2012 at the National Sports Centre, and the third event; “Truth Today, Truth of Thailand”, at Supalai Stadium.

21 October 2008. The Supreme Court’s Criminal Division for Persons Holding Political Positions read out their verdict in the case involving the sale of land on Racthcadapisek Road and found Pol. Lt. Col. Thaksin Shinawatra, former prime minister, guilty according to the Constitutional Act on Counter Corruption and sentenced him to two years in prison. At the time the verdict was read, Thaksin Shinawatra was out of the country.

2 December 2008. The Constitutional Court’s verdict of election fraud led to the dissolution of three political parties: the People Power Party, Chart Thai Party, and Matchima Thipataya Party. All executives of the parties were deprived of voting rights for five years and Somchai Wongsawat had to step down as Prime Minister. The PAD then announced an end to their demonstration on December 3, 2008. Almost all members of the People Power Party moved to the Pheu Thai Party. Others moved to the Poom Jai Thai Party.

15 December 2008. After the Constitutional Court ordered the dissolution of the People Power Party and Somchai Wongsawat stepped down as Prime Minister, a significant change occurred in Thai politics. The Chart Thai Pattana Party, Poomjai Party and Pheu Pandin Party, who used to support the People Power Party, changed to support Abhisit Vejjajiva, the leader of the Democrat Party. The member for the Democrat Party received the support of 235 votes against 198 votes for Pol. Gen. Pracha Promnok, member for the Pheu Pandin Party, who was

⁷² People’s Alliance for Democracy Declaration 28/2008

supported by Pheu Thai. Abhisit was formally endorsed as Prime Minister on 17 December 2008. Up to this time, the Democrat Party had been the opposition in parliament for eight years. After this change in political direction, the UDD accused the military and Privy Council President Prem Tinsulanonda of being behind the establishment of the government led by the Democrat Party and on 28 December 2008 the UDD movement held another event called “Truth Today” (4th mobile event) at Sanam Luang and marched to Parliament House to block the entrance and obstruct Prime Minister Abhisit Vejjajiva’s policy speech to the parliament. On 30 December, the venue was changed and the prime minister delivered his policy speech at the Ministry of Foreign Affairs.

2.2.5 Political Occurrences and Incidents of Violence in 2009

Political incidents that occurred before the violence in April and May 2010 stemmed from the UDD (at that time known as DAAD) or the “red shirts”, protesting against the government under the leadership of Abhisit Vejjajiva. The UDD started demonstrating in 2009 and violence occurred in many places in April 2009. Following, is a summary of the important incidents during 2009.

31 January 2009. UDD held its 5th rally called “Red throughout the Land” at Sanam Luang. They marched to Government House and presented four demands: 1) Take legal action against the PAD, 2) Remove Kasit Pirom from his position as Minister of Foreign Affairs, 3) Reinstate the 1997 Constitution, and 4) Dissolve the parliament.

24-27 January 2009. UDD held its 6th “Red throughout the Land” rally at Sanam Luang. The UDD resumed its blockade of Government House demanding a response to their earlier demands. UDD announced that in one month they would create a “Red throughout the Land” network in every part of the country and gather back at Government House. UDD made clear statements at this gathering that they would protest and blockade Government House until Prime Minister Abhisit Vejjajiva; Prem Tinsulanont, President of the Privy Council; General Surayud Chulanont; and Privy Councilor Chanchai Likitjitta resigned from their positions.

7 April 2009. UDD protestors blocked Prime Minister Abhisit Vejjajiva’s motorcade in Pattaya by lining up motorcycles and throwing things at him.

8-9 April 2009. UDD protestors gathered in front of Government House and in front of Si Sao Tewet, the home of Prem Tinsulanonda, the President of the Privy Council. When they didn’t receive a response to their demands, they blocked many important main roads and continuously expanded the area of their demonstration to the Victory Monument on April 9.

10 April 2009. UDD protestors, particularly taxi drivers, blocked several intersections which made the government declare April 10 to be an official holiday.

11 April 2009. UDD protestors led by Arisman Pongruangrong marched to the Royal Cliff Hotel and Resort in Pattaya where Asian leaders were to meet for the ASEAN Plus Three Summit. On the way to the hotel violent clashes occurred between the UDD and “blue-shirt” government supporters but Mr. Arisman, the UDD leader, was able to lead the UDD protestors in storming the hotel building, causing the summit to be cancelled. The government and the ASEAN Meeting announced a postponement and the government declared a state of emergency in the areas of Pattaya and Chonburi until the foreign leaders could return safely after which the state of emergency was lifted.

12 April 2009. Police arrested Arisman Pongruangrong. Further UDD demonstration closed many roads in Bangkok in order to pressure for the release of Arisman. They also demonstrated at the Ministry of the Interior where a meeting was being held by security personnel. Later, the prime minister declared a state of emergency in Bangkok and the surrounding provinces including Nonthaburi, districts in Pathumthani, Samutprakarn, Nakhonratchasima and Nakhonsri Ayutthaya in order to enforce the Emergency Decree B.E. 2548 (A.D.2005). The UDD then broke through the gates and entered the Ministry of Interior, attacked the car of the prime minister and other members of the government, seized weapons of security staff and attacked and injured personnel. The prime minister’s secretary, General Nipon Promphan, was seriously injured. Later, warrants were issued for the arrest of twenty leaders of the protest including Mr. Suporn Attawong (Rambo Esarn).

13 April 2009. Soldiers and police took control of the area surrounding the Dindaeng Intersection where the UDD protestors were gathered. The soldiers used tear gas, live ammunition and blanks to disperse the demonstrators. The demonstrators commandeered a gas truck to obstruct the dispersal of the demonstration in the Dindaeng area but the soldiers and police were able to force them out. Buses, cars and tires were burnt on the perimeter of the demonstration area. The government cut the signal of the red shirts’ satellite television station (D-Station). At approximately 9:30 p.m., a clash erupted between UDD demonstrators and people in the Nang Lerng Community in Bangkok. It was reported that one of the Nang Lerng Community was shot to death and others were injured.

During the dispersal of the demonstration at Dindaeng Intersection on 13 April two people, Mr. Sawai Thongom and Mr. Sanong Pantong, were shot and their injuries rendered them disabled. Later, they sued the prime minister, General Songkitti Jaggabatar, the Supreme Commander of the Royal Thai Armed Forces and Royal Thai Army, for compensation. The court accepted only the allegations against the Royal Thai Armed Forces (defendant No.2) and the Royal Thai Army (defendant No.5) and in case no. 59712554, issued on 21 June, ruled for both defendants to jointly compensate Mr. Sawai and Mr. Sanong. Mr. Sawai was paid 1.2 million baht and Mr. Sanong, 1 million baht. The verdict stated that “After careful consideration

of the preliminary facts, the court found that UDD gatherings were held at many locations during 8-14 April. The government believed that these demonstrations were not being conducted according to the relevant criteria in the Constitution as the demonstrators were blocking roads, inspecting vehicles of the public, and blocking the gate of Government House. On 12 April, approximately 500 UDD protestors blockaded the traffic under the Dindaeng motorway intersection. One group of protestors attempted to seize the Royal Cliff Beach Hotel where the 14th ASEAN Summit was being held resulting in the cancelation of the Summit Meeting for security reasons. Later, a state of emergency was declared in Bangkok and surrounding areas. On 13 April at 2.00 a.m., an order was issued to military forces to suppress the demonstration and open roads to traffic. The court rules that the 3rd Infantry Battalion, 2nd Infantry Regiment, 1st Infantry Battalion, and 21st Infantry Regiment operated under the order of CRES. CRES is under the supervision of General Songkitti, former Assistant Director of CRES, who issued the order to troops to open traffic at the Dindaeng Intersection. Military forces lined up into three rows. Line 1 was comprised of military officers armed with shields and batons and was 50 meters away from the demonstrators. Line 2 was comprised of non-commissioned officers armed with M16 assault rifles standing 15-20 meters away. The defendants testify that blank ammunition was used. Line 3 was comprised of non-commissioned officers armed with M16 assault rifles loaded with real ammunition standing 20 - 25 meters away along with 6-7 commissioned officers. Another person was carrying an 11mm shotgun. Although the operation was carried out under the Emergency Decree on Public Administration in Emergency Situations which allows the use of real weapons during missions, both plaintiffs insist that they were not armed and the defendants do not questioned this. Both plaintiffs are not considered targets of the military because according to the rules of engagement (Appendix ¶ No. 5.8) authorities may use force against armed riots to defend themselves or the lives of others against imminent threat. If armed force is used, it needs to be done so with extreme caution because using force can endanger the life and physical integrity of innocent demonstrators. We have heard from witness 2 and witness 5 that the only personnel in the forces performing their duty at the time of the incident were forces of the Royal Thai Army. This is sufficient that defendant no. 2 and 5, in their status as the overseeing agency, must accept responsibility for the violations against both plaintiffs.⁷³”

14 April 2009. UDD leaders called an end to protests. Veera Musigapong, Weng Tochirakarn, Nattawut Saikur and Suporn Attawong surrendered to the National Police and were transferred to the custody of the Metropolitan Police. For those demonstrators who

⁷³ Court ordered army to reimburse 2.2 million baht to two UDD Alliance, Komchadluek, <http://www.komchadluek.net/detail/20110823/107021/>

wanted transportation, the government assigned military vehicles to take them back to their hometown.

17 April 2009. Sondhi Limthongkul, leader of the People's Alliance for Democracy, was shot and seriously wounded near the Bankhunphrom Intersection. The car in which he was travelling was showered with bullets and was seriously damaged. The weapons used were AK-47 and M16 military rifles and more than 100 bullet shells were found at the scene of the attack.

24 April 2009. The government lifted the state of emergency.

25 April 2009. The second generation UDD, led by Somyos Pruksakaseamsuk, held a red shirt rally at Sanam Luang and had rally marches in five other provinces before gathering for a large mass rally in Bangkok. On May 10, the 7th rally of "Red throughout the Land" was held in the Pai Keoh Temple at Donmuang. On June 27-28, the UDD held their 8th "Red throughout the Land" rally at Sanam Luang and gathered signatures of people requesting a royal pardon for ousted premier Thaksin Shinawatra.

9 July 2009. UDD leaders Veera Musikaphong, Jatuporn Phromphan, Natthawut Saijuea, Chinwat Haboonpad, Manit Jittjanglub, Dr.Weng Tojirakarn and Arisman Pongruangrong announced that leaders of the UDD had passed a motion agreeing to change the name of UDD from "the United National Front for Democracy against Dictatorship" (UDD) to "the United National Front for Democracy against Dictatorship, Red throughout the Land" in order to unify their activities. After that, they started to establish red shirt schools and provincial training centers and started to provide systematic training to red shirt guards.

17 August 2009. UDD organized a demonstration "Royal Petition to End Distress throughout the Land" at Sanam Luang. The petition was appended with 3,532,906 signatures and was submitted to the Office of the Royal Palace.

11 September 2009. A grenade was thrown into the house of Vicha Mahakun, member of the National Anti-Corruption Commission (NACC).

19 September 2009. A large number of UDD protestors gathered at the Royal Plaza to mark the third anniversary of the military coup.

30 September 2009. A bomb was planted at the front fence of the Constitution Court but police were able to remove it.

11 October 2009. A bomb was planted at the fence of the National Anti-Corruption Commission (NACC).

13 November 2009. Police arrested Pornwat Thongsomboon alias "K-tong", aged 50 years, for violating the Computer Crimes Act B.E. 2550 by disseminating a video clip on the Internet stating that there will be bombings in Bangkok. Later, there were bomb explosions in many places in Bangkok. On March 18, 2009 the Criminal Court dismissed the charges but sentenced him to two years in prison for possessing an M16 assault rifle which he was carrying at the time

of his arrest. It was reported that Pornwat Thongsomboon travelled to Cambodia with Maj. Gen. Khattiya Sawasdipol (Sae Daeng) to meet with Pol. Lt. Col. Thaksin Shinawatra.⁷⁴

31 December 2009. UDD organized a concert “Welcome the New Year of our Victory, 2010” at the 700 Years Sports Stadium in Chiangmai.

2.2.6 Important Political Occurrences and Incidents of Violence between January-March, 2010.

11-12 January 2010. UDD held a rally and established a village called “Double Standard” at Klong Fai Sub-district, Si Kyew District, Nakorn Ratchasima Province and accused Privy Councillor Gen. Surayud Chulanont of owning land that encroached on government land and demanded his resignation from the Privy Council.

14 January 2010. An M79 grenade was fired into Army Headquarters near General Anupong Paochinda’s office around 3.00 a.m. The grenade damaged one window.

23-24 January 2010. UDD protestors at Khao Soi Dao in Chanthaburi Province demanded an investigation into the encroachment of the Soi Dao National Forest and Wildlife Reserve by the Soi Dao Highland Golf Club and Resort in Bong Narong District. Maj. General Khattiya Sawasdipol appeared on stage and gave a speech in which he referred to the battle approach of “Keaw Sam Prakarn” which is a “People’s Political Party” and fighting force.

1 February 2010. Bags of human excrement were thrown into the residence of Prime Minister Abhisit Vejjajiva which led to a tightening of security for the prime minister.

2 February 2010. UDD protested against the coup in front of the Ministry of Defense.

3 February 2010. In an interview, General Pallop Pinmanee talked about his trip to the United Arab Emirates, the concept of establishing the National People’s Army for Democracy by appointing General Chavalit Yongchaiyud, the President of Pheu Thai Party, to be the Supreme Commander of the Armed Forces.⁷⁵

4 February 2010. UDD supporters held rallies in front of military bases in Bangkok and in the provinces under the slogan “Befriend Brave Soldiers. Oppose Slavery by the Elite”.

5 February 2010. General Pallop Pinmanee announced an end to the movement with the UDD as the UDD leaders rejected his idea to establish the National People’s Army for Democracy.

8 February 2010. UDD rallied in front of the Office of the Attorney-General to urge progress in case proceedings against the land encroachment case of Privy Councillor Gen. Surayut Chulanont in Nakorn Ratchasima, and the ownership of a vacation house on Khao Soi

⁷⁴ Document presented to TRCT by Mr. Suthep Thaugsuban, dated 27 June 2012.

⁷⁵ Matichon Newspaper, Punlop confirm “Jiew” (Chawalit Yongchaiyut) as leader of Red Shirts , 4 February 2010/ http://www.matichon.co.th/news_detail.php?newsid=๑๒๖๕๒๑๒๓๗๑๐&catid=๐๑

(Soi Mountain) in Chanthaburi which the UDD believed Gen. Prem Tinsulanonda, President of the Privy Council, was involved in. Also, to follow up on the case of lese majeste against PAD leader, Sonthi Limthongkul.

10 February 2010. UDD rallied in front of the National Police Department to urge progress in the cases against the PAD, Privy Councillor Surayud Chulanont's property at Nakorn Ratchasima, and the vacation house in Kao Soi Dao, Chanthaburi.

11 February 2010. UDD leader Dr. Weng Tojirakarn submitted a petition to opposition chief whip Wittaya Buranasiri to condemn the government for not amending the Constitution according to the submission of the People's Committee for Constitutional Amendment which was submitted as an urgent agenda in May 2008.

12 February 2010. UDD protest in front of the National Anti-Corruption Committee (NACC) as part of their campaign "Stop Double Standards, Oppose Illegal Organizations" to focus attention on the double standards of NACC.

13 February 2010. An M79 grenade exploded at the Technology Phra Nakhon Institute next to Government House.

14 February 2010. Officers uncovered a C4 grenade in the Supreme Court.

15 February 2010. UDD rallied in front of the Office of the Election Commission of Thailand (ECT) demanding the resignation of commissioners because they were appointed by the group that carried out the coup and for matters relating to the investigation of 258 million baht in contributions made to the Democrat Party.

16 February 2010. Prime Minister Abhisit Vejjajiva endorsed the formation of the Committee to Monitor National Security. The committee would be chaired by Deputy Prime Minister Suthep Thaugsuban who was in charge of national security and would monitor the situation and provide assistance to the executive branch.

19 February 2010. UDD rallied in front of the Bangkok Bank Head Office on Silom Road. It was alleged that the bank was involved with the President of the Privy Council and was a source of funds for the PAD.

22 February 2010. A red shirt community radio association protested in front of Government House demanding the resignation of Satit Wongnongtoey, Minister to Prime Minister's Office, as he had made an announcement to close down three community radio stations: FM 95.25, FM 101.25 and FM 96.35 MHz.

24 February 2010. UDD leaders scheduled a meeting under the heading "12 March – Mobilizing Throughout the Land" to call together a mass rally starting on March 14 2010 on Rajadamneon Avenue with the aim of forcing the dissolution of parliament.

25 February 2010. Retired Pol. Capt. Supoj Muangkrut, head of the UDD guard in Nakhon Ratchasima organized training for UDD guards called "Warriors on the Field of Attainment".

26 February 2010. The Criminal Division for Political Office Holders of the Supreme Court ruled to seize more than 46 billion baht (about 1.4 billion U.S. dollars) from Thaksin Shinawatra, former prime minister, in the case of abnormal wealth derived from use of the authority of the prime minister to yield benefit to the Shin Corporation Public Company.⁷⁶

27 February 2010. Bombs were thrown into several Bangkok Bank branches including the Silom Branch, Prapadaeng Branch, Rama 2 Branch and Sri Nakarin Branch.

5 March 2010. UDD rallied at the Thao Suranari Monument in Nakhonratchasima to mobilize the people before the mass rally.

6 March 2010. During a press interview, Gen. Khatiya Sawasdipol admitted that he had travelled to Dubai to meet with Pol. Lt. Col. Thaksin Shinawatra to discuss a plan on how to end the battle with the government within a three day period. The plan was to be used as a guideline for the UDD fight against the government. UDD leaders; however, denied this.

9 March 2010. The government imposed the Internal Security Act B.E. 2551 from 11-23 March covering Bangkok and surrounding provinces. At the same time, PAD issued an announcement to join forces and stop the threat against Thailand.

10 March 2010. At a meeting of the Internal Security Operation Command (ISOC), the Centre for Administration of Peace and Order (CAPO) was established. CAPO was an extension of the Security Monitoring Committee. Its command center was located on the base of the 11th Royal Guard Infantry Regiment and was responsible for monitoring and managing the demonstrations. The CAPO director was Deputy Prime Minister Suthep Thaksuban who announced that 30,000 soldiers, 10,000 police, and 10,000 civilians had been assigned to ensure the peace and orderliness of the UDD demonstrations. Further, only equipment for self-defense or what was necessary would be used in controlling incidents according to international principles such as shields, batons and tear gas. In addition, demonstrations were prohibited on all roads and waterways leading to Sirirat Hospital.

11 March 2010. The government, through CAPO, announced measures to maintain peace and order, established areas in which it was prohibited to use vehicles on roads, prohibited carrying of weapons outside buildings, and prohibited entry into buildings in some areas. The Phue Thai Party submitted a petition to the NACC at the time the Cabinet made its announcement of the Security Act stating that it was incorrect, was remiss in duty, and not legitimate according to Article 157 of the Thai Criminal Code. At the same time, Kotom Ariya met with the prime minister and submitted a petition requesting the government to seek for a negotiated solution to the political protests and stop the violence.

⁷⁶ Judgment of the Supreme Court of Justice's Criminal Division for Holders of Political Offices Black Case No. CDHPO 14/2551, Red Case No. CDHPP 1/2553 http://www.supremecourt.or.th/webportal/maincode/admin/announcements/files/March_5_2010_4_44_095319d94849bb8114e8d61ef75999ab.pdf

12 March 2010. UDD “Red throughout the Land” protestors gathered at five main locations in Bangkok: the Democracy Monument, the King Taksin Monument, Vibhavadi-Rangsit Nature Garden close to the Thai-Japanese Stadium, Bangna Intersection and at the Rama 6 Statue in Lumpini Park. They demanded that Prime Minister Abhisit Vejjajiva dissolve the parliament.

13 March 2010. UDD prepared for the protest by setting up a huge stage with a dome-style roof and audio system at the base of Phan Fah Lilat Bridge. At the same time the criminal court approved an arrest warrant for Arisman Pongruangrong, one of the UDD leaders, for inciting agitation and rebellion amongst the people which resulted in unrest in the Kingdom. This warrant was issued according to Article 116 of the Thai Criminal Code and referred to an incident in which Arisman Pongruangrong gave a speech and incited demonstrators in front of the Army Command Headquarters on 29 January 2010 and in front of Pubeung Khannakorn in Khonkaen Province on 31 January 2010. Kotom Areeya, together with the Buddhika Network and Youth Groups for Peace organized an event entitled “Meditate for Peace, Beg for non-violence” and requested all parties to refrain from using weapons and all forms of violence. In addition, they announced the demonstration area to be a sanctuary, an area of peace.

14 March 2010. UDD demonstrators converged on Bangkok and occupied an area around Phan Fah Bridge along Rajadamneon Avenue, from Kok-wua intersection to Miskawan Intersection, also, along Phitsanulok Road from Chamairuchet Bridge in the government district, marking the beginning of their mass rally. UDD leader Veera Musikapong announced at a press conference on behalf of the “Red throughout the Land” that they were demanding the dissolution of parliament within 24 hours. Around 1000 UDD protesters marched to Channel 3 TV station to present the announcement to the mass media so that it could be presented in an impartial manner. At the same time another 2000 UDD protestors marched to the house of the prime minister to present their demand for the dissolution of the parliament.

15 March 2010. M79 grenades were fired into the compound of the First Battalion of the First Infantry Regiment on Vibhavadee Rangsit Road, injuring two soldiers. Over 30,000 UDD protestors rallied at the 11th Infantry Regiment where the CAPO was located requesting that Prime Minister Abhisit Vejjajiva dissolve parliament. At the same time, the prime minister called a meeting of the leaders of the government coalition partners. The meeting decided that parliament would not be dissolved.

The Non-violence Network includes: “Mahidol University Research Center for Peace Building”, “The Buddhist Network”, “Youth Peace Study Group”, “People against Civil War Group”, “Network to Stop Ruining Thailand”, “Stop Violence”, and “Open a Peace Room Together”. The objective is to compile and disseminate information on peace processes, analyze and present recommended measures to prevent, suppress and mitigate violence and to ease conflict. The network is ready to contact with people who support and are involved with

peace activities. The network requests the government and the UDD leaders to organize public forums for involved parties to express their opinions which may lead to negotiations or “Talk about Talk”. In addition, the network requested the Bangkok Metropolitan Administration to place output from closed-circuit traffic security cameras online 24-hours-a-day. UDD “Red throughout the Land” announced a collection of 10cc of blood from 100,000 people to pour at various locations and conduct curse ceremonies.

16 March 2010. At around 2.20 a.m., M79 grenades were shot into Ladprao Soi 23, just 200 meters away from the residence of Ackaratorn Chularat, President of the Supreme Administrative Court but no was hurt. Later, at 3.40 am, unidentified bombs were planted in a company owned by a relative of Nevin Chidchob in Chiangmai. The building was slightly damaged. Red Shirt protesters performed “a blood-pouring ceremony” in front of Government House and in front of the Democrat Party office. Later, Veera Musikapong and some other UDD leaders had discussions with the National Human Rights Commission to try and find a peaceful way to prevent violence in demonstrations according to rights and liberty and the principles of human rights.

17 March 2010. UDD protestors demonstrated in front of Prime Minister Abhisit Vejjajiva’s residence and some protestors clashed with security guards in front of the prime minister’s house. Later, the protestors poured blood at the entrance gate to the house. Some of the protestors went to the Embassy of the United States of America and submitted a document requesting that the embassy explain a statement by Suthep Thuaaksubun that he had been informed by an American source that Pol. Lt. Col. Thaksin Shinawatra, former prime minister of Thailand, was commanding the chaos that was occurring in Bangkok. UDD made an official statement declaring Gen. Khattiya and Surachai Danwattananusorn no longer UDD members as their approach to the battle was different from UDD.⁷⁸ General Lertrat Rattananich, and some other senators met with UDD leaders and offered to act as mediators in negotiations between UDD and the government. They offered to mediate at non-voting general censure debates. Subsequently, 60 senators requested for a no-vote censure debate.

18 March 2010. About 35 red shirt protesters rallied outside the office of the Stock Exchange of Thailand (SET) to inquire about the abnormal increase in the stock exchange index despite the ongoing tense political situation.

The Human Rights Commission participated in a meeting with the government to agree to respect the right to freedom of assembly and non-violent protests. Prime Minister Abhisit Vejjajiva and Gen. Prawit Wongsuwan, Minister of Defense, participated in the meeting at CAPO on the 11th Infantry Regiment base.

⁷⁸ UDD leaders disowned “Sae Dang Surachai” from the group, <http://prachatai.com/journal/2010/03/28327>

There were gunshots aimed at civilian houses on Thonglor Soi 3 in Sukhumvit Road Soi 55 and Sukhumvit Road Soi 53.

19 March 2010. The Student Federation of Thailand (SFT) announced its support of the UDD.

20 March 2010. A rocket propelled grenade was shot into the Ministry of Defense injuring one soldier. The perpetrator was later arrested and sentenced to 38 years in prison. An M67 grenade was thrown into the National Anti-corruption Commission. UDD organized a large number of cars to circulate in procession around Bangkok on major roads.

22 March 2010. An M67 grenade was thrown at a security guard post at the Taling Chan Road Maintenance Office in Thonburi on Sirinthorn Road. CAPO prohibited use of certain roads. UDD released their 3rd announcement reaffirming their demand that the parliament be immediately dissolved and that UDD would be willing to negotiate on the condition that representatives of each side have complete authority to make decisions. The representative of the government would have to be the prime minister.

23 March 2010. M79 grenades were thrown into a Ministry of Public Health building that was the venue for a cabinet meeting. ISOC organized forces for CAPO to employ in monitoring and controlling the demonstrations. This involved a total of 208 troop companies, approximately 47,000 soldiers. The Phue Thai Party released an announcement demanding the dissolution of parliament to pave the way for a new election.

24 March 2010. A grenade was found near the Central Airport Plaza Department Store in Chiangmai. A C4 bomb with a timer attached was detected at the electric fence controller of the City Hall in Nonthaburi. Another M67 grenade was thrown at the Legal Execution Department at Talingchan District in Bangkok. CAPO made an amendment to their announcement prohibiting the carrying of weapons outside buildings resulting from their ban on using roads and vehicles.

25 March 2010. Police discovered an M26 grenade at Sankampaeng in Chiangmai but were able to defuse it. Another grenade was thrown at a pick-up truck on Tivanon Road in Bangkok, close to the Public Health Ministry, but the grenade failed to explode.

26 March 2010. An M67 grenade was discovered in a plastic bag at the parking building of the Office of the Attorney-General in Bangkok but the grenade was defective and had failed to explode.

27 March 2010. UDD protesters marched to eight locations in Bangkok to pressure soldiers stationed around the eight demonstration areas to withdraw and return to their divisions. Soldiers agreed to withdraw from all locations except from around Government House.

M67 grenades were thrown at the Customs Department; at TV Station Channel 5, injuring seven people; and another was found at the Caltex Gas station on Nawamin Road.

An M79 was shot at Lung Yai Restaurant on Ramintra and at the Public Relations Department of Radio Thailand, injuring three people.

28 March 2010. An M79 grenade was shot into the football field of the 1st Infantry Regiment, 11th Infantry Division on Paholyothin Road which was the operation station of CAPO. The incident injured four military officers. Gunmen fired five .38mm bullets at the Sapan Kao branch of the Bangkok Bank. An M67 grenade was thrown at a bus stop location close to the residence of Banharn Silpa-archa, leader of the Chart Thai Pattana Party which is a government coalition partner, at Bangplad injuring one person. Other gunmen shot at the Bangyeekan Branch of the Bangkok Bank damaging windows. There was an explosion at a public telephone booth located at Sai Mul Muang Temple in Chiangmai.

9.00am: UDD moved their demonstration to the 1st Infantry Regiment, 11th Division to submit their proposal and send four representatives to negotiate with the Prime Minister. At 11.00 Satit Wongnongtoey, Minister to the Prime Minister's Office, announced that they accepted the negotiation offer. Negotiations between UDD leaders and the government took place at King Prajadhipok's Institute at 4 p.m. and were broadcast live. The meeting was attended by the prime minister, his secretary-general, Korbsak Sabhavasut, and the ruling Democrat Party Deputy Secretary-general, Chamni Sakdiset, from the government. The UDD were represented by Veera Musikapong, Jatuporn Prompan and Weng Thojirakarn. There was no conclusive outcome from the meeting. On the same day, around 200 members of the United Front of Patriots, who wore white shirts, gathered at the National Stadium BTS Station urging people in Bangkok to speak out and call for UDD to put an end to the protest.

29 March 2010. An M26 grenade was hurled into the compound of Chiang Mai's Administrative Court. The Bang Yi Khan branch of the Bangkok Bank was shot at with a .38mm weapon. "Ping-pong bombs" were thrown into Government House between entrance door 5 and 7 on the Mackinaw Bridge side. CAPO announced that police and military forces currently protecting VIPs and important places, including those who were on standby, would be allowed to equip themselves with personal weapons for self-defense and to secure the safety of innocent people and their property⁷⁹. On the same day, a second negotiation attempt was held between the government and UDD leaders. UDD demanded the government dissolve parliament within two weeks while the government proposed an extension of nine months. No mutual agreement could be reached. At the same time, PAD gave a press briefing opposing the demands of the UDD.

30 March 2010. UDD leaders announced another mass rally on 3 April 2010. The government announced that the Internal Security Act would be extended to 7 April 2010. Another M67 was thrown at the General Prem Tinsulanonda Foundation at Uthongnok Road.

⁷⁹ Summary of over 30 bomb-attack incidents in 1 month. <http://highlight.kapook.com/view/47429>

31 March 2010. Former Prime Minister Pol. Lt. Col. Thaksin Shinawatra called on demonstrators to join forces on 3 April and fight for political changes, make major structural changes, and amend laws.⁸⁰

2.2.7 Sequence of incidents of violence during April-May, 2010

The violent incidents during April-May 2010 resulted in 92 deaths and over 1,500 people were injured.⁸¹ The sequence of significant incidents of violence during April-May 2010 are summarized below.

1 April 2010. The multi-colored group led by Dr. Dul Sittisomwong held a demonstration with demonstrators wearing pink shirts around the Two Reigns Royal Monument at Chulalongkorn University. The declared objective of the demonstration was to show the public that the people were determined to hold to peaceful means and did not want members of any group to use mob rule to create disturbances in the country.

2 April 2010. Dr. Weng Tojirakarn, Mr. Supong Attawong and UDD leaders submitted an open letter to US Secretary of State, Hillary Clinton through the United States Embassy in Thailand. On the way to the embassy, in front of the Statue of King Vajiravudh in Lumpini Park, red shirts exchanged insults with pink shirt demonstrators who opposed them.

3 April 2010. A bomb was placed in the parking lot behind Chiang Mai Memorial Hospital and another in front of the Phadung Krung Kasem branch of the Telephone Organization of Thailand in Bangkok. UDD moved their demonstration from the Phan Fah Bridge stage on Rajadamnoen Avenue to the Ratchaprasong Intersection where they built a stage. More demonstrators came from other provinces and outer areas of Bangkok. One of these groups, led by Mr. Kwanchai Praipana, marched to blockade the television station of the Public Relations Department of the National Broadcasting Services of Thailand (Channel 11 NBT). They demanded that Channel 11 stop distorting the news. In the evening, the protestors dispersed and rejoined the demonstrators at the Ratchaprasong intersection. Some of them went to the Phan Fah Bridge on Rajadamneon Avenue where there were still many protestors. At the same time, CAPO released Announcement No. 5 requesting persons who are leaders or organizers of the demonstrations, and those participating in the demonstration, to vacate the Ratchaprasong Intersection⁸² and prohibited the use of roads.⁸³

⁸⁰ Mark negotiates once more, Thaksin instructed to fight! Ended before the Songkran Festival, April 1, 2010, http://www.khaosod.co.th/view_news.php?newsid=TUROd01ERXdNVEF4TURRMU13PTO=

⁸¹ Bangkok Erawan EMS Centre reported as of June 1, 2010, that the no. of injured persons is 1493. TRCT, however, made findings that the no. of person with moderate and serious injuries exceed 1500 persons.

⁸² 1. Ratchadamri Road from Ratchaprasong Intersection to Pratunam Intersection, 2. Ratchadamri Road from Ratchaprasong Intersection to Ratchadamri BTS Station, 3. Rama 1 Road from Ratchaprasong Intersection to Pathumwan, 4. Sukhumvit Road from Ratchaprasong Intersection to Chidlom Intersection.

⁸³ Announcement No. 4 regarding the prohibition of use of roads or vehicles

4 April 2010. At 4 p.m., CAPO released Announcement No.6 on the Prohibition of Entry into or Vacating of Specified Areas, Buildings or Locations,⁸⁴ declared the rally at Ratchaprasong intersection illegal and requested demonstrators to leave the area or legal measures would be taken. A M67 grenade was thrown at the entrance area of NBT TV Station Channel 11 and M79 grenades were thrown into the Chiang Mai branch of Macro and into the Nanuwat Furniture Factory in Chiangmai.

5 April 2010. A car bomb exploded in the car park of the Poseidon Massage Parlour on Ratchadapisek Road. UDD protestors blockaded the part of the Government Complex where the Election Commission is located. Some of the protestors forced their way into the building and demanded that officials come down and accept a letter that demanded that the Election Commission announce a dissolution of the Democrat Party. At the same time, the government submitted a petition to the court to order UDD out of the Ratchaprasong area. The Civil Court ordered in case black no. R2/2553 and case red no. R2/2553 that the gathering of UDD breached Article 34 and 36 of the Constitution as it infringed on the rights of others. The Court ruled that since the government declared a state of emergency, the state had the authority to proceed in compliance with the law. UDD announced that they would appeal the verdict and demonstrators remained at the Ratchaprasong intersection.

6 April 2010. A bomb has been placed in the entrance area of the Chulalongkorn University but the bomb failed to explode. M79 grenades were shot at the parking area behind the Democrat Party. Two police officers were injured.

7 April 2010. At approximately 12.30 a.m., M26 grenades were thrown at a community police post at the entrance to Tesco Lotus on Nawamin Road in Bangkok. At approximately 1.30 a.m., M79 grenades were shot from the Rama 8 bridge and hit the side of the office of the Commander-in-Chief of the Army, injuring one soldier. At 3 a.m., a bomb attached to a timer was placed under the Wongwaen Bridge at Ramintra, close to Fashion Island in Bangkok.

UDD leaders Suporn Attawong, Arisman Pongruangrong, Yossawaris Chuklom and Payap Panket led the UDD demonstrators to blockade Parliament House. Some UDD demonstrators forced their way into parliament and parliamentarians had to be evacuated. At 6 p.m., Prime Minister Abhisit Vejjajiva, the Deputy Prime Minister, and the Cabinet made a television broadcast and

84

1. Rama IV Road from Sathorn road to Samyan intersection
2. Sathorn Road from Rama IV Road to intersection with Charoenkrung Road
3. Silom Road from Rama IV Road to intersection with Charoenkrung Road
4. Surawongse Road from Rama IV Road to intersection with Charoenkrung Road
5. Charoenkrung Road from Surawongse Road to intersection with Sathorn Road
6. Rajdamri Road from BTS Rajdamri station to intersection with Rama IV Road
7. Phyathai Road from Samyan intersection to Rajthevi intersection
8. Ratchadapisek Road from intersection with Sukhumvit Road to intersection with Rama IV Road
9. Dindaeng Road from intersection with Ratchadapisek Road to intersection with Thaveemitr Road
10. Thaveemitr Road 11. Ratchadapisek Road from intersection with Dindaeng Road to intersection with Ratchadapisek Soi 8

informed the public that a state of emergency had been declared in Bangkok and surrounding areas in response to the escalating situation. In addition, the Centre for the Resolution of Emergency Situations (CRES) was established to monitor the emergency situation under the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005). The Cabinet extended enforcement of the Internal Security Act to 20 April 2010.

CRES ordered the suspension of broadcasts from the People's Channel TV. The reason provided was that "People Channel TV is making broadcasts of the UDD demonstration at the stage constructed at Ratchaprasong Intersection and is distorting information which affects institutions, individuals, and organizations. These broadcasts are creating misunderstanding and are inciting the people to have hatred toward the state and its officials. In addition, the protest was earlier declared by the Civil Court to be illegal and against the Constitution and supporting illegal actions."⁸⁵ CRES also prohibited people from entering the property of the Thaicom Ground Services Station in Lad Lumkaew District of Pathumthani Province as well as the property of Thaicom Public Company Limited and the Thaicom Satellite Station on Ratthanathibet Road in Nonthaburi,⁸⁶ and prohibited leading people or groups of people to join demonstrations.⁸⁷

At 9.30 p.m., seven soldiers armed with shields, batons, teargas⁸⁸, and accompanied by a pressurized water hose truck moved to the Thaicom Satellite Station in Patumthani to stop the broadcast signal of the People's Channel television. The personnel in the Thaicom Satellite Station explained that they were not able to suspend the signal because the signal did not come from their station. The military then broadcast an interference signal that eventually cut off the television signal of PTV around 9.50 p.m.

8 April 2010. UDD leader Nattawut Saikua made a speech refuting the declaration of such a strict State of Emergency and the closure of the People's Channel by calling for a massive rally of red shirts from throughout the country on 9 April.

Approximately 500 demonstrators rallied in front of the Thaicom Satellite Station in Pathumthani requesting that the station open its connection to the People Channel TV.

The criminal court issued an arrest warrant for the seven UDD leaders who led demonstrators to force their way into Government House. The seven leaders were accused of detaining against free will and coercion of others.

⁸⁵ TRCT explains the closing of PTV because it distorted the facts in "Sathit" in preparation for queueing the broadcast to community radio station on 8 April 2010. <http://www.komchadluek.net/detail/20/00408/55/99>

⁸⁶ CRES Announcement on Prohibition of Entry into or Vacating of Specified Areas

⁸⁷ CRES Announcement on Prohibition of any person or groups of person to rallies at major business districts

⁸⁸ Maj.Gen.Prateep Kingklao, Commander of Army Air Defense Operation Center, came and provided information to the TRCT on 17 February 2011

That night, just after midnight, there was an attack on the office of the New Political Party on Sumeru Road using M79 grenades and M16 assault rifles. One person was injured. At approximately 1.30 a.m., there was an attack, using the same kind of weapons, on the TPI Building on Ratiwat-Rajanakaran Road. Again, one person was injured. At approximately 8 p.m., an M26 grenade was thrown into the parking area of the Department of Land Transport on Paholyothin Road in Bangkok.

9 April 2010. Around 10,000 UDD demonstrators marched to the Thaicom Station in Lat Lum Kaeo District, Pathum Thani Province, to demand that the suppression of the People's Channel broadcast signal be stopped. When the protestors forced their way onto the property of the Thaicom Satellite Station, soldiers used water canons, tear gas and rubber bullets and there were clashes in which one person was injured. Later, the protestors seized weapons and negotiated for the soldiers' withdrawal. The Thaicom Satellite Station made arrangements to reconnect the signal for the Peoples' Channel and the protestors returned, giving back the weapons they had seized to the police. However, in the evening, soldiers came to disconnect the signal again (See Truth-Seeking Sub Commission report on specific cases).

The Criminal Court approved the issuance of arrest warrants for 17 UDD leaders and collaborators who violated the Emergency Decree. The arrest warrants were issued in accordance with the State of Emergency Decree B.E. 2548 (2005) section 11(1) which states that authorized officials can arrest and restrain a person suspected of having taken part in creating an emergency situation, or in aiding, advertising, or supporting such actions; or in concealing information in connection with such actions. Arrest warrants were issued on 8 April 2010 for: 1. Dr. Weng Tochirakarn, aged 59; Ms. Darunee Kritboonyalai, aged 61; Mr. Charan Dittha-apichai, aged 63; Mr. Nattawut Saikua, aged 35; Mr. Nisit Sinthuprai, aged 50; Mr. Weera Musikapong, aged 62; Mr. Kokaew Pikunthong, aged 45; Mr. Khwanchai Sarakham, or Praipana, aged 58; Mr. Shinawat Haboonpat, aged 66; Mr. Wiputhalaeng Pattanaphumthai, aged 58; Mr. Adisorn Piengkes, aged 57; Mr. Voraphol Phrommikabutr, aged 53; Police Lieutenant Colonel Waipot Apornrat, aged 51; Mr. Samroeng Prachamruea, aged 45; Mr. Wisa Khanthap, aged 56; Ms. Paichit Aksornnarong, aged 48; and Major General Khattiya Sawasdiaphol (Set Daeng).

10 April 2010. In the afternoon, UDD protestors received news of preparations by the army to disperse the demonstration. Mr. Kwanchai Praipana, a UDD leader, then led the protestors to blockade the gate of the First Infantry Division stationed on Outer Ratchadamneon Avenue. The army dispersed the protestors and compelled them to return to the Phan Fa Bridge demonstration stage. One of the protestors was shot and later died.

In the evening troops armed with crowd control equipment and weapons moved in to disperse UDD protests. One group of forces moved in from Thonburi crossing the Pinklao Bridge to join with other soldiers and then moved forward to take control of the areas around Kao Sarn Road, Tanao Road and Dinso Road in order to reclaim the area and open the roads to

traffic in the vicinity of Rajadamneon Avenue, Phra Pinklao Bridge and Rama VIII Bridge. Protesters tried to oppose the troops until around 8 p.m. Violent clashes occurred and more than 800 people were injured; 300 of these were soldiers. There were 25 people killed during the clash. Including one person killed during an incident in the afternoon, the total death toll that day was 26. Of these, five were soldiers, including Gen. Romklao Tuwatam, and 21 were civilians, including a Japanese reporter. During the clash, protestors seized many weapons from soldiers. Unidentified troops known as “men in black”⁸⁹ appeared and used military weapons to attack the army. (Further details on the incidents of April 11 appear in specific case reports.)

On the day of the clash at the Kok-wua Intersection and in front of Satri Witthaya School many calamitous events occurred in succession. Early in the morning, around 3:30 a.m., M79 grenades were shot at the galvanized iron fence being built around the Crime Suppression Division. At around 8 p.m., M79 grenades were shot at the Naree Club on the grounds of Government House but the grenade didn’t explode. At around 8:15 p.m., M79 grenades were shot at the Ivory Room on the 2nd floor of the Thai Kuh Fah Building at Government House but no one was hurt. At around 9 p.m., six grenades were placed at the base of a 230kV high-voltage electricity tower at the Electricity Generating Authority of Thailand (EGAT) in Pranakorn Sri Ayutthaya. It caused some damage but the post did not collapse because three of the grenades didn’t explode. (Investigation conducted on 13 April 2010).

11 April 2010. About 1,000 red-shirt protesters assembled in front of Thaicom Satellite Station in Pathumthani Province demanding that the Peoples’ Channel be reconnected. Mr. Chuchee Harnsawad negotiated with the staff of the station on behalf of UDD until the signal was restored. At the Democracy Monument, UDD protestors organized a Recitation of the Abhidhamma Funeral Ceremony for the red shirts who had been killed in the clash between protestors and soldiers on 10 April 2010.

12 April 2010. At about 00:30 a.m., M79 grenades were shot into the residence of Gen. Trongsing Nirasing on Pradipat Road in Bangkok whose house is opposite that of the Deputy-director of Channel 5 Television Station. At about 10 a.m., the UDD had a funeral procession for those killed in the 10 April incident along roads in Bangkok. The Prime Minister made a special announcement stating that from the time of reclaiming areas on 10 April 2010 up to the present, there is one group of people who can be held responsible for the terrorism and who are using innocent people that have come to protest as a tool to incite unrest. The Government and CRES have therefore set measures for separating the terrorists from those of the public who are innocent.

13 April 2010. UDD ended their protests at Phan Fa Bridge on Rajadamneon Avenue

⁸⁹ The report defines “men in black” as persons or groups of persons in possession of war weapons which they use to attack government and/or security forces and thereby create chaos before and during the incidents in April-May 2010.

and joined together with the protestors at Ratchaprasong Intersection. Mr. Nattawut Saikua, one of the UDD leaders, announced that Former Prime Minister Pol Lt. Col. Thaksin Shinawatra had provided 100,000 baht for the families of each red shirt supporter who had been killed in the 10 April incident. The money was to be distributed to families by Mr. Somchai Wongsawat, former prime minister. Deputy Prime Minister Suthep Thaugsuban set up a committee to investigate and find the terrorists that were involved in the clashes that occurred on 10 April 2010. CRES ordered forces to use shotguns or pistols for self-defense or in counter attacking law-breakers and to shoot those weapons only to repel apparent threats or groups carrying weapons who are threatening the lives of soldiers or innocent people.

14 April 2010. UDD demonstrators abandoned their rally site around Phan Fah Bridge Stage on Rajadamneon Avenue and consolidated at just one site - the Ratchaprasong Intersection. CRES spokesman Colonel Sansern Kaewkamnerd announced that a video clip taken during the operations on April 10 was being distributed on some websites which had been cut (edited) in such a way as to create misunderstanding. CRES therefore presented part of the original clip to the media. UDD leader Mr. Nattawut Saikua led Mr. Manop Chanchangthong, a UDD guard, to present himself to the media. Manop had been mistakenly identified as one of the men in black who fired at soldiers on 10 April 2010.

15 April 2010. Panitan Wattanayagorn, acting government spokesperson, said that Deputy Prime Minister Suthep Thaugsuban ordered preparation of ‘invitation orders’, using powers under the Emergency Decree, to people who were believed to be connected to the violence and other pending cases. Among the persons to be “invited” were politicians, businessmen, and former government officials. They were to be asked to provide information which might be helpful in furthering investigations by authorities. Panitan Wattanayagorn, acting government spokesperson, said that Deputy Prime Minister Suthep Thaugsuban ordered people who were involved and who had provided financial support to the protestors, which included businesspeople and former politicians, to report to the CRES. Notices to report would be sent starting from 16 April 2010.

Ari Krainara, head of the UDD security guards revealed that security measures will be strengthened for the UDD leaders by doubling the numbers of guard at Ploenchit, Rachadamri and Pathumwan. Three-layered steel protection panels would be installed as well as spotlights that could be used to illuminate buildings surrounding the stage. On the same day, investigation officers discovered 1.5 pounds of C4 explosive attached to a high-voltage electricity tower in Chiang Rark Noi Sub-district in Ayutthaya Province, close to the spot where there was an explosion on 10 April 2010.

16 April 2010. Police Joint Suppression Forces and officers of the 4th Metropolitan Police surrounded the SC Park Hotel on Pracha-uthit Road to capture and arrest five UDD leaders but about 1,000 UDD protestors blockaded the hotel and helped the UDD leaders

escape capture. The UDD leaders were Mr. Arisman Pongruengrong, Mr. Suporn Atthawong, Mr. Payap Pungetu, Mr. Wanchana Gerdddee and Yosawarit Chuklom.

The prime minister announced that the present protest situation was developing into terrorism and that the government had attempted to capture some of the leaders of the protest but had failed. The prime minister announced the appointment of General Anupong Paojinda, Commander of the Army, as the acting head of operations in place of Suthep Thaugsuban.⁹⁰

17 April 2010. A bomb was planted on the transmission tower of the CAT Telecom Public Company Limited. It exploded and damaged a sign and a steel fence. The site of the incident is not far from the transmission towers of television channels 3, 9 and 11.

CRES spokesperson, Col. Sansern Kaewkamnerd, explained the appointment of a head of operations in solving the emergency situation. Overall, Mr. Suthep Thaugsuban was still the director of CRES but General Anupong Paochinda, the Army Chief, was now responsible for the ordering of forces so as to shorten the line of command and increase the efficiency of operations.

18 April 2010. CRES issued an order to stop protestors from entering the Silom area. Security personnel were authorized to shoot any person creating an incident in order to stop them. However, if personnel got caught in a crowd of protestors and the use of weapons would harm innocent people, personnel would need to refrain from using weapons. Personnel had been arranged for the control of the area and marksmen and snipers were in place.⁹¹

19 April 2010. CRES spokesperson Col. Sansern Kaewkamnerd announced that security personnel would use measures that proceeded in seven stages from light to heavy and that stationing personnel on high-rise buildings was not to intimidate but only to ensure safety. UDD spread a large black net over the demonstration area in front of the stage. It stretched all the way to the overhead footbridge in front of the Central World Department Store and was to protect against snipers shooting UDD leaders from surrounding high buildings. Deputy Prime Minister Suthep Thaugsuban repeated that CRES permitted security personnel to carry weapons and use live ammunition only to protect themselves or the public from attack. CRES authorized officials to take control of Silom Road from 4.00 a.m. onwards.

Mr. Nattawut Saikua said on stage that the way the government had arranged military forces in the Silom area showed that they were trying to disperse the demonstration. So protestors lined up facing the soldiers at the Silom Intersection and brought sharp sticks to create a make-shift barrier.

⁹⁰ Special Prime Minister Order No. 93/2553 on Appointment of Operational Commanders, Officers in charges and competent officers to determine the severe emergency situation (amendment). This order shall be effective as of 16 April 2009.

⁹¹ CRES Order No. KH 04707.45/137 and KH 0407/45 (Sor Yor Gor.)/130, dated April 18, 2010 in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, Page 130-132 and KH 1407.35/149 dated April 18, 2010

UDD guards asked reporters to cooperate by registering and replacing their green armbands with ones that had “Dissolve parliament” written on them. The reason given for this was that the old armbands of the Association of Newspaper Journalists were being used by officials who mixed in with the crowd of protestors behind the Ratchaprasong stage. Col. Sansern Kaewkumnerd, CRES Spokeperson, announced that terrorists were mingling among the demonstrators. They had prepared grenades, bottle bombs, sharpened wooden spikes (both hand-held and spears), wood with nail spikes, and acid. Because of this the soldiers and police had to change their tactics and, for safety reasons, remain at a distance of 30-40 yards from the protestors. UDD submitted a letter to the Office of the United Nations assuring them that the demonstration of the red shirts was without weapons and that they were not terrorists. In addition, they requested that peace-keeping forces come to maintain safety and protect the demonstrators from violent actions by the government. UDD also requested that the UN investigate the dispersal of the demonstrations.

20 April 2010. Gen. Chavalit Yongyaiyut and former prime minister Mr. Somchai Wongsawat issued a statement at the Phue Thai Party requesting an end to the violence and killing of people, a lifting of the State of Emergency, and a return of power to the people to choose a new government. On the same day, M.R. Sukumpan Boripat, the governor of Bangkok, met with UDD leaders Mr. Nattawut Saikua, Dr. Weng Tojirakarn, and Suporn Attaworn behind the demonstration stage.

21 April 2010. At about 1:15 a.m., two rocket-propelled grenades were fired at fuel tanks in the fuel depot of the Thai Petroleum Pipeline Co. in LumLeukha District of Pathum Thani Province but the grenades did not explode. UDD protestors in Khonkaen gathered at the Khonkaen Railway Station to intercept and block a military transport train from leaving the station as they were afraid the soldiers would participate in the dispersal of demonstrations in Bangkok.

11:00 p.m. There was a clash between UDD protestors and Silom residents in the vicinity of the Saladaeng Intersection. It was reported that two people were injured. One of them was a foreigner who was shot with a slingshot and injured in the head and left earlobe.⁹²

22 April 2010. Col. Sansern Kaewkamnerd, spokesman for the Center for the Resolution of Emergency Situations (CRES), reiterated that personnel will increase protection measures to prevent clashes between UDD protestors and groups that were dissatisfied with the demonstrations.

Mr. Jatuporn Prompan, leader of a group of plaintiffs, sued the prime minister and Deputy Prime Minister Suthep Thaugsuban and requested the court issue a temporary injunction prohibiting the prime minister and deputy prime minister from ordering the use of soldiers to disperse UDD demonstrations at Ratchaprasong Intersection. The Civil Court verdict of case

⁹² Silom Red-shirts turbulence confrontation, Thairat, April 21, 2010, <https://www.thairath.co.th/content/pol/78254>

black no. 1433/2553 issued on 22 April 2010 ruled that it is necessary for both defendants to use measures to reclaim the area in order to restore normal conditions so there is not sufficient reason for the court to issue the order the plaintiffs' have requested.⁹³

Dr. Weng Tojirakarn went to the UN Building on Outer Ratchadamneon Avenue to submit a letter, via a representative of the Office in Thailand, to the UN Secretary-General, H.E. Ban Ki Moon. The letter requested that UN forces safeguard the UDD demonstration "Red throughout the Land".

The *Love Silom Group* protested against the UDD demonstration. At around 8:30 p.m., five M79 grenades were fired; three landed on the roof of Saladaeng Railway Station, one on the second floor of the "skywalk" of the station that links to a department store, and another in front of the Cillic House branch of the Sri Ayutthaya Bank.⁹⁴ Blasts resulted in 87 people being injured and one person being killed, Mrs. Tanyanun Taebthong, aged 50, who was one of the Silom residents that were protesting against the UDD demonstration.⁹⁵

Mr. Methee Amornwuthikul, a former Thai actor that supported the UDD movement and was a follower of Gen. Khatiya Sawasdiapol, was arrested by the police while in possession of a Tavors 1 weapon. It was found that the weapon had been seized from soldiers in the 10 April incident. Later, Mr. Veera Musikapong and Dr. Weng Tojirakarn, UDD leaders, said that Methee's actions had nothing to do with the UDD but were a personal matter. They pointed out that Mr. Methee Amornwuthikul was not a UDD leader and did not participate regularly in UDD demonstrations.

23 April 2010. Mr. Veera Musikapong, a UDD leader, announced a request that the prime minister declare a dissolution of parliament within 30 days and establish an independent commission to investigate the incidents on 10 April and the clash on Silom Road on 22 April and that the government must accept responsibility.⁹⁶ Further, that the UDD was willing to negotiate a peaceful solution.

24 April 2010. In reference to sending a representative to negotiate with UDD, Prime Minister Abhisit Vejjajiva mentioned that at this time Mr. Korbsak Sabhavas, secretary to the prime minister, had stopped performing this role after UDD had refused to negotiate. UDD leaders, Mr. Veera Musikapong and Mr. Nattawut Saikua, announced in a speech that as Mr. Abhisit

⁹³ Black Case No. 1433/2553 dated April 22, 2010

⁹⁴ Public Statement by Col. Sansern Kaewkamnerd, spokesman of CRES, April 2010

⁹⁵ On April 23, 2010 at 8.30am Erawan Emergency Medical Centre's director, Phetpong Kamjornkitjakarn reported that the bomb at the Sala Daeng Intersection has resulted in 87 injured persons and 1 death, namely, Ms. Tanyanan Taebthong, 50 years.

⁹⁶ Pheu Thai agreed, UDD offered to end the protests if the government agreed to dissolve parliament within 30 days. "Jatuporn" requested to inform foreigners that redshirt are willing to retreat, Matichon, April 24, 2010 http://www.matichon.co.th/news_detail.php?newsid=1272021949&grpId=04&catid=no

announced an end to negotiations and refused to accept the demands of UDD, and that there were rumors that he will order a dispersal of demonstrations within 48 hours, UDD had no choice but to intensify their protest.

25 April 2010. UDD guards distributed shirts of various colors to demonstrators and tightened security by increasing the number of UDD guards in six locations. On the same day, M67 grenades were thrown into a car in front of the residence of Banharn Silapacha on Jaransanitwong Road Soi 55. Altogether, eleven people were injured; eight civilians and three soldiers. An M79 grenade was shot into the 5th Region Command Building in Chiang Mai.

26 April 2010. CRES disclosed a plot to overthrow the monarchy and stated that the plans clearly showed that former prime minister Pol. Lt. Col. Thaksin Shinawatra was the instigator of the movement which involved other networks linked together. Prime Minister Mr. Abhisit Vejjajiva said that what must be done right now is to build understanding among the people that this type of problem has arisen and to proceed according to the law and identify all the people involved. Mr. Nattawut Saikua, a leader of the UDD, announced an agreement to have UDD groups outside Bangkok block police from entering Bangkok after he was informed that the government was mobilizing police from provincial areas. He called on police not to follow the orders of the government and to have “politics resolved through politics”.

27 April 2010. Col.Sansern Kaewkamnerd, CRES spokesperson, announced that preparations were being made for military personnel and police to enter the demonstration area at Ratchaprasong Intersection to search individuals suspected of smuggling weapons in and out of the demonstration area. Any person caught violating the law would be immediately arrested. Demonstrators brought car tires to block the platforms at Chidlom BTS Station as they were afraid that the government would send troops along the railway line to disperse the demonstration.

28 April 2010. At around 9.30 a.m., Mr. Kwanchai Praipana led more than 1,000 protestors in pick-up trucks and motorcycles from Ratchaprasong Intersection to the Tai Market to support UDD supporters who had been blockaded there. The procession clashed with soldiers and police in front of the National Monument where a checkpoint had been set up. The clash resulted in injuries to 19 people; 17 civilians and 2 soldiers. After the clash, Private Ronnarong Sala, of the 9th Infantry Regiment was shot and killed at the site where the clash occurred while sitting on the back of a motorcycle among the military units that were moving rapidly toward the police and military lines that were on the outward bound lanes of Vibhawadee Road.

29 April 2010. UDD leader Mr. Payap Panket led protestors to Chulalongkorn Hospital to conduct a search. Some groups of demonstrators forced their way in to hospital buildings in search of soldiers who were suspected to be hiding in the hospital. The incident caused panic among the hospital staff, patients and relatives. On May 1, Gen. Sansern ordered police to negotiate the return of the whole area in front of Chulalongkorn Hospital by 2 May 2010.

If the negotiation failed, they were to use force. CRES stated that the area that would be re-taken would only be the area in front of the hospital.

30 April 2010. UDD apologized for the intrusive search of Chulalongkorn Hospital and said that it was unintentional. Dr. Weng Tojirakarn, M.D.; one of the UDD leaders, explained that they were not able to control the crowd of people and accepted that it was excessive behavior according to the situation.

1 May 2010. Chulalongkorn Hospital transferred patients to 27 other hospitals in Bangkok and other provinces. At 1:00 p.m., Her Royal Highness Princess Maha Chakri Sirindhorn paid a private visit to His Holiness Somdet Phra Nyanasamvara, the Supreme Patriarch, who was being treated in the hospital. At 5:40 p.m., the team of medical doctors at Chulalongkorn Hospital invited the Supreme Patriarch to be treated at Siriraj Hospital.

2 May 2010. UDD leaders and police officers negotiated the return of the area in front of Chulalongkorn Hospital. UDD agreed to re-open the road to traffic on both sides of Rajadamri Road, from the Saladaeng Intersection to the turning lane in front of the Queen Sirikit Building in Chulalongkorn Hospital. Police officers and UDD guards set up checkpoints for weapons at the points mentioned. UDD requested the area in front of the Statue of King Rama VI in Lumpini Park for protestors to rest and monitor the demonstration.

3 May 2010. Prime Minister Abhisit Vejjajiva proposed a five-point reconciliation plan:

1. All sides must be united in revering the Monarchy. The Monarchy must not be drawn into political conflicts and care must be taken to protect the Institution from insults.
2. Reform the country in order to solve fundamental problems and injustice by involving all sectors of society.
3. Enable the media to operate freely and constructively and not in a way that incites conflict and division.
4. Establish an independent commission to investigate the facts of violent incidents such as 10 April 2010.
5. Establish mutually acceptable political rules such as on amending the Constitution, revoking or disqualifying political rights as well as proceedings related to political gatherings.

The government proposed that the next election be held on 14 November 2010.

DSI had resolved to classify the case related to the alleged conspiracy to overthrow the royal institution as a special case. While CRES gave press briefing on the preliminary outcomes of arrest and confiscation. Some of these confiscated exhibits are: M 16 assault rifles and cartridges, M.67 explosives and ammunitions as well as slingshots, marbles, cocktails/petrol bombs, several symbolic gadgetry of the UDD like scarf's, armbands, t-shirts, flags, caps and UDD's propaganda campaign CDs, a Honda with fake plate number and several knives.

4 May 2010. The Department of Special Investigation submitted evidence and a petition to the Criminal Court to authorize the arrest of leaders of the UDD for engaging in terrorist acts under Section 135/1 of the Criminal Code. The Court stated that arrest warrants had already been issued for the nine defendants; Mr. Veera Musikapong, Mr. Jatuporn Prompan, Mr. Nattawut

Saikua, Dr. Weng Tojirakarn, Mr. Suporn Attawong, Mr. Arisman Pongruangrong, Mr. Kwanchai Saraka, Gen. Khattiya Sawasdipol and Pol. Lt. Col. Waipoj Apornrat; under the Emergency Decree on Public Administration in States of Emergency, B.E. 2548 (2005). Therefore, the DSI could use the arrest warrants already issued and add charges of terrorism to those warrants.

At the same time, Mr. Veera Musikapong, UDD leader, officially accepted, on the stage at Ratchaprasong Intersection, the reconciliation proposal of the government in order to save “the flesh and blood and lives of the demonstrators”. He requested that the prime minister announce an exact date for the dissolution of parliament and reduce all types of threats. UDD would not request self-amnesty but would proceed with the case on dispersal of the protests and would stop making any references to the Monarchy in relation to the conflict.

5 May 2010. Prime minister Abhisit Vejjajiva assigned Mr. Korbsak Sapawasu, Secretary to the Prime Minister, to coordinate negotiations to end the demonstrations. CRES sent a text message to the mobile phones of demonstrators stating, “The government is willing to reconcile. The next election is set for 15 November. It’s time to go home. CRES”. There was also a message stating, “UDD leaders have accepted the national reconciliation plan. It’s time to go home and wait for the election on 14 November. CRES.” Earlier, journalists reported that CRES sent a message to the demonstrators saying, “We Love the King, if you are concerned about the country, let’s build national unity for Thailand. CRES”, and “End the Protest to celebrate the auspicious occasion. CRES”.

6 May 2010. Col. Sansern Kaewkamnerd, CRES spokesperson, reaffirmed that some military weapons were being kept in the protest area and that a terrorist group were ready to create a situation. This being the case, the government has set up checkpoints to prevent these weapons from being removed from the protest area.

DSI Director-general, Tarit Pengdith, announced that the arrest warrants for the nine UDD leaders on charges of terrorism would not affect the atmosphere for reconciliation between the government and UDD. If they can’t be caught right now, we’ll wait for 15 November, the date the UDD leaders announced they would turn themselves in to face all charges. Mr. Karom Pontaklang, acting legal representative for the UDD leaders, submitted an appeal against the arrest warrants of Veera Musikapong and 16 other UDD leaders.

7 May 2010. At around 8:45 p.m., in the vicinity of Saladaeng, a shooter opened fire at the front of the Cillic House sub-branch of the Krung Thai Bank on Silom Road. Five people were injured and one person was killed: Pol. Sgt. Kannupan Lertjanpen who was on duty there. Mr. Suthachai Yimprasert, an assistant professor of history at Chulalongkorn University, initiated legal proceedings to sue Prime Minister Abhisit Vejjajiva, Mr. Suthep Thaugsuban in his status as director of the Centre for the Resolution of the Emergency Situations (CRES), and Col. Sansern Kaewkamnerd, spokesman for the CRES, for accusing him of illegitimate activities and of lese majeste by advertising the plan to overthrow the Monarchy. Dr. Weng Tokirakarn urged

the Democratic Party to expel Mr. Tanaroj Rojanakulset, the senator for Chonburi Province, for not standing up and paying respect during the Royal Anthem and to proceed with legal action against him according to Section 112 of the Criminal Code. Mr. Nattawut Saikua accused the Democratic Party of having problems relating to loyalty to the Monarchy and that if they didn't take action he would initiate legal proceedings.

Later, on 8 May 2010, Mr. Prompong Nopparit, spokesperson for the Phue Thai Party, filed a complaint with the Crime Suppression Division of the Royal Thai Police requesting that they take legal action against Mr. Tanaroj Rojanakulset according to Article 112 of the Criminal Code in relation to the above mentioned offence.

8 May 2010. M79 grenades were fired at Entrance 3 of Lumpini Park opposite the Uchuliang Building located on Rama 4 Road. This was the site of a security checkpoint manned by police and soldiers. The Erawan Center reported that eight people were injured; five police officers and three soldiers. One police officer, S.M. Vittayaprom Sali, was killed in this incident. On the same day, M79 grenades were shot at the Vibhawadee⁹⁷ and Ratchada-Ladprao branches of the Bangkok Bank.

9 May 2010. May 9, 2010. A bomb was placed in front of the residence of Mr. Apichat Sukakanond, Chairperson of the Electoral Commission of Thailand. Former Prime Minister Pol. Lt. Col. Thaksin Shinawatra sent a message through his Twitter account saying, "Today, brothers and sisters who have come to demonstrate have been more far-sighted than the leaders. They demand justice and democracy. Who will decide for them? If they don't agree it will be difficult."

In an interview, Gen. Khattiya Sawasdipol said that late at night on May 9, Pol. Lt. Col. Thaksin Shinawatra had telephoned him and requested him to establish a second group of leaders and to include Mr. Arisman Pongruangrong, Mr. Suporn Attawong, Mr. Kwanchai Praiphana, and Pol. Lt. Col. Waipoj Apornrat as replacements, and that anyone who wasn't willing to fight could go home.

10 May 2010. UDD announced the following resolutions from their meeting⁹⁸ on the Prime Minister's reconciliation plan: 1) UDD accept 14 November 2010 as the date for the next general election according to the proposal made by the prime minister. The election date and the date set for dissolving parliament as between 15-30 September is accepted without any conditions in order to show the sincerity of UDD and without the need for people to be injured or killed. 2) UDD confirm that they do not want amnesty and are pleased to be dealt with by the justice system; however, the government must also be dealt with by the justice system according to the same standards by having the prime minister and the deputy prime

⁹⁷ The police later arrested a suspect, Mr. Wallop Phiteephrom, who admitted to being behind the multiple M79 attacks.

⁹⁸ Mr. Veera Musikapong, Leader of the UDD, did not attend this press announcement.

minister be dealt with by the justice system in the same way. 3) The day that notice is given to stop the protests and start the process of reconciliation will be the same day that Mr. Suthep Thaugsuban, Deputy Prime Minister, turns himself into the police for legal action by the justice system. If he doesn't turn himself in, the protests will not be stopped, "On whatever day Mr. Suthep turns himself in to the police; on that day we will return home. Whatever day he refuses to turn himself in will be the day that we refuse." 4) The government must stop blocking the Peoples' Channel. If a commission is established, we would be pleased to participate in its proceedings together with the ASTV station. 5) When the protests are stopped, the government must accept responsibility if the Emergency Decree is retained. The people will apply even more pressure on the government.

11 May 2010. Deputy Prime Minister Suthep Thaugsuban, in his capacity as Director of CRES, went to hear charges against him at the Department of Special Investigation (DSI).⁹⁹ Most of the UDD leaders did not agree with Mr. Suthep presenting himself to the DSI because it is one of the agencies under the CRES. They vowed to end the protests only when Suthep went to face charges at the Crime Suppression Division. Later, at 6.15 p.m., Mr. Jatuporn Prompan announced that UDD did not accept that the deputy prime minister had faced charges and would continue their protest. The criminal court dismissed a request by UDD leaders to withdraw the warrants for their arrest. CRES reported that they had ordered the Ministry of Information and Communication Technology to close down 612 websites that had incited agitation.

12 May 2010. At 2 a.m., M79 grenades hit the Ratchaprarop Airport Link Station where soldiers were assembled but no one was injured.¹⁰⁰ On the same day, CRES spokesman. Col. Sansern Kaewkamnart, announced measures to cordon off areas. The first measure would be to cut off public utilities and discontinue public transport in all demonstration areas. This would close all transport lanes in and out and would completely stop the sending of reinforcements to the protestors. These measures would commence as of midnight. CRES reminded personnel to follow the steps of engagement according to international principles. Marksmen were authorized to shoot only in cases of necessity, to protect against danger, and only at targets that were carrying weapons. Commanders were cautioned not to distribute, under any circumstances, M79 grenades or other war weapons.¹⁰¹

⁹⁹ Department of Special Investigation (DSI) chief Tarit Pengdit said that the April 10th Incident has been accepted by DSI to be further investigated.

¹⁰⁰ Statement given by the army at the 8th Hearing session on "Dindaeng-RangNarm Cross Section - Incidents on the 13-19th May 2010" held on March 22, 2011

¹⁰¹ The police later arrested a suspect, Mr. Wallop Phiteephrom, who admitted to being behind the multiple M79 attacks. Presented Documented by Mr. Suthep Thaugsuban, dated June 27, 2012, Page 176

13 May 2012. CRES held a press conference and announced that as of 6 p.m. it would completely surround the following areas:¹⁰² Petchaburi Road from the expressway entrance to Ratchathevi Intersection, Phayathai Road from Ratchathevi Intersection to Sam Yan Intersection; Wireless Road from Wireless Intersection to the junction with the expressway entrance on Petchaburi Road, Rajaprapop Road from Pratunam Intersection to Makkasan Intersection. The following measures were to be employed:

Areas in the square bounded by Phayathai Road, Phetchaburi intersection, Wireless Road¹⁰³ and Rama IV Road. Traffic will be stopped so that protestors can leave the demonstration areas but will not be able to enter. Exceptions will be made for people who reside or work in those areas. They will be able enter but must prepare sufficient documentation to prove they are living or working there and present these documents to the soldiers on duty at the check points. In areas that are completely blocked off, all public services will be cut. This includes electricity, water, public buses, boats, BTS trains, and subway trains. These will all be stopped as of 6 p.m. to pressure the protestors to stop their protest and quickly leave the area.

CRES requested that businesspeople, department stores and private companies in the area to stop business temporarily and permit staff to stop working as of May 14 and until the situation returns to normal.¹⁰⁴ CRES made a written request to the court to authorize mobile phone companies to cut their signals. The court gave permission for telephone signals to be cut for 6 hours at a time with no limit on the number of times the signals could be cut so this will be carried out for a period until the situation improves.¹⁰⁵

In tightening the cordon it was necessary for soldiers and police to have armored vehicles or infantry transport vehicles to protect themselves against gunfire and to ensure the safety of demonstrators as CRES was certain there were armed terrorists among the demonstrators.

When the cordon was being tightened it was quite possible that there would be a clash between the terrorists and security personnel. It was therefore necessary that the operation be carried out in seven stages ranging from light to heavy using live ammunition. If the adversaries

¹⁰² “Sansern” announced that they will cut off electricity, water supply and all kinds of public transport service around the Red Shirt rally site. 100% live ammunition and armored vehicles will be used. Prachatai, May 13, 2010. <http://prachatai.com/journal/2010/05/29429>

¹⁰³ CRES Announcement regarding the prohibition of use of roads or vehicles.

¹⁰⁴ CRES Order No. KH 0407.45/384 on stop providing services at some stations. CRES Order 0407.45/383 on stopping service of water transportation. CRES Order KH 0475/381 on cutting off electricity in several areas

¹⁰⁵ Criminal Court Order 2/2553 and CRES declared the state of emergency in 15 Thai Provinces and closure of Rama 1 Road-Ratchaprasong. Matichon, May 13, 2010 http://www.matichon.co.th/news_detail.php?newsid=๑๒๗๗๗๒๘๐๐๑&grpId=๐๐&catId

try to move in and are asked to stop but don't stop, they would need to be shot at with rubber bullets from shot guns. If they continue to move towards security personnel, they would need to be shot at with live ammunition from shot guns to stop them but it should not threaten the life of the public. It should only stop illegal activities and advancement toward security personnel. Weapons used are Tavors M16s; used in three situations as follows: 1. As warning shots into the air; 2. To protect personnel that have been injured and are facing unavoidable threats to their life; and 3. To shoot clearly identified individuals armed with weapons who might otherwise cause harm to officers or members of the public.¹⁰⁶ In addition, snipers were responsible for security and the targeting of armed terrorists. Other than this, no other weapons were used. Soldiers did not throw hand grenades, M79 grenades or use other types of weapons. The soldiers and police only used single shots, not automatic firing, and only when in confined space and when protestors were trying to clash with security personnel and there is no way to escape. This kind of procedure does not refer to the re-taking of the area at Ratchaprasong Intersection.

The prime minister announced a second Declaration of Severe Emergency Situation for Bangkok and 16 other provinces.¹⁰⁷ At around 7 p.m., General Khattiya Sawasdipol was shot in the head by a high-speed rifle while being interviewed by a foreign reporter at the Lumpini entrance to the Silom subway station, close to the Statue of Rama VI. He was seriously injured and was immediately taken to Huachiao Hospital. He died four days later. Soon after the shooting of General Khattiya, violence escalated. There were many sounds resembling explosions and loud gunfire. There was an announcement warning protestors of possible efforts to disperse the protest and for them to use the black netting above the stage to protect themselves. At around 11 p.m., soldiers clashed with protestors in front of the U-chuliang Building on Rama 4 Road. One protestor was shot and killed and several others were injured. (See Specific Case Report)

14 May 2010. The Civil Court dismissed a petition submitted by the UDD seeking a court injunction prohibiting the authorities from carrying out their operations to cordon off the protest area and to prohibit them from dispersing the protests. The Court found insufficient grounds to do so, noting that the cordoning operations undertaken by the authorities were within the prerogative of the executive branch, while in undertaking to disperse the protests to restore peace, the authorities – if necessary – could use weapons for self-defense and to prevent the situation from escalating, but they must be in accordance with international standards.

¹⁰⁶ Daily News Newspaper issued 14 May 2010

¹⁰⁷ <http://media.thaigov.go.th/pageconfig/viewcontent/viewcontent1.asp?pageid=471&directory=1779&contents=44623>

CRES announced the closure of more roads on Rama 4 Road from Sam Yan Intersection to Ngam Dupli Intersection.¹⁰⁸ On 14 May 2010, violence erupted over a wide area stretching from the demonstration area at Ratchaprasong Intersection to Wireless Road, Rama IV Road-Bonkai and Ratchaprarop Road to the Dindaeng T-Junction. CRES employed measures to close off these areas until May 18. During this time, there were continual clashes between government security personnel, demonstrators, and men in black. During this period there were many injuries and deaths as well as arson of buildings and stores in many places throughout Bangkok. Demonstrations were dispersed around Lumpini Park and at Ratchaprasong Intersection on May 19. (See specific-case investigation report)

18 May 2010. General Lertrat Ratanawanit, a member of the Thai senate, along with associates met with UDD leaders for negotiations. Abhisit proposed that UDD first end the demonstrations, have the UDD leaders send the demonstrators home, and turn themselves in to the police. Meanwhile, the UDD leaders pointed out that the prime minister was not open to any negotiations and wanted to disperse the demonstration. In the end, the negotiation was unsuccessful and Gen. Lertrat Ratanawanit held a press conference on 19 May saying that that there was no negotiation “. . . because the stance of the government is clear - they are going to disperse the protest”.¹⁰⁹

19 May 2010. At 1:25 p.m., UDD leaders announced an end to the protest rally. When the UDD leaders were standing to give their announcement there were loud sounds of weapons coming from the Pratunam Intersection which made the UDD leaders leave the stage and take cover. Over 4,000 protestors escaped into the precincts of Pathumwanaram Temple which had been declared a sanctuary since 17 May. Some protestors walked toward the National Sports Stadium and the National Police Office. Some demonstrators threw bottle bombs and fire bombs and set fire to car tires in front of the Central World Shopping Center and Zen Department Store.¹¹⁰ Later, UDD leaders, including Mr. Nattawut Saikua, Mr. Viputhalaeng Pattanaphumthai, Mr. Kwanchai Praipana, Mr. Nisit Sinthuprai, and Mr. Yosawarit Chuklom (Jeng Dokjik) turned themselves in to the National Police Office before being transferred to Naresaworn Detention camp (Border Patrol Police Camp) at Cha-am, Petchaburi Province. Meanwhile, CRES issued an order to stop operations and secure the areas which they currently occupied from 5:30 p.m. forward. Another announcement prohibited all people in Bangkok from leaving their homes from 8 p.m. on 19 May to 6 a.m. on 20 May. In addition, CRES extended the state of

¹⁰⁸ CRES Order regarding the prohibition of use of roads or vehicles No. 2, dated May 14, 2010

¹⁰⁹ Government aimed to disperse Lertrat said “Negotiation attempt failed”, Thairat, May 19, 2010
<http://www.thairath.co.th/content/pol/83901>

¹¹⁰ Thai journalists, video images and records, TRCT panel meeting the media for the 1st time and further interviews during July-December 2010

emergency to two more provinces: Kalasin and Mukdaharn.¹¹¹ (See specific case investigation report) On Rama 1 Road, government personnel attempted to put out a fire that had been started in the Siam Theatre.

At approximately 6 p.m., a gun fight occurred at the Chalermphao Intersection and shots were fired into Pathumwanaram Temple. Six people were shot and killed: Mr. Suwan Sriraksa, Mr. Attachai Chumjan, Mr. Mongkhon Khemthong, Mr. Rop Suksatit, Ms. Kamolked Athart, and Mr. Akkharadej Khankaew. A number of people were also injured including Andrew Buncombe, a reporter from The Independent newspaper who was shot in the right leg while running into the temple.¹¹² Later, the Red Cross was called on to send an ambulance which was able to enter the temple and transport six injured people out of the temple and to a hospital¹¹³ at around 10 p.m. (See specific-case investigation report on Prathumwanaram Temple).

Riots and burning of government buildings occurred in many provinces including Chiangmai, Khon Kaen, Udorn Thani, Mukdaharn and Ubon Rajathani. In these incidents, two people were killed in Udornthani and one person killed in Khon Kaen. (See specific-case investigation report)

20 May 2010. In the morning, Commander of the Metropolitan Police Division 1, Police Major General Wichai Sangprapai, led troops from National Police Office to Pratumwanaram Temple. The sound of gunfire was heard coming from the overhead rail line that passed by the temple. The police identified themselves using loudspeakers and the gunfire noise stopped.¹¹⁴ Police escorted the protestors out of the temple one by one and took them to the National Sports Stadium to be transported back to their hometown at around 9-10 a.m.

Later, the Forensic Science Institute, Ministry of Justice, sent Dr. Pornthip Rojanasunan to carry out autopsies on the bodies at the temple and to inspect the scene of the incident.

CRES declared an extension of the curfew for another three days (20-22 May). People were not to leave their homes between 9 p.m. and 5 a.m. Mr. Veera Musikapong, Mr. Korkeaw Pikulthong and Dr. Weng Tojirakarn turned themselves in to the Office of Crime Suppression and were taken to the Naresuan Camp to be detained with the other leaders who had already turned themselves in.

¹¹¹ Announcement of the State of Emergency No. 4 issues on May 19, 2010 extended to cover Kalasin and Mukdahan Province.

¹¹² Activist and Observers from the international communities, interviewed on October 18, 2010.

¹¹³ Krungthep Turakij, Khao Sod and the Globe and Mail (a Canadian Paper) in accordance with activities and observers from the international community, interviewed on 11 October 2010.

¹¹⁴ Records of May 2010 (1st edition), Kao Sod newspaper, July 2010, Thai media, 9th Hearing Session of TRCT on “Six Bodies at Wat Pratumwanaram Incident on 19 May 2010” on Tuesday, 28 March 2010.

21 May 2010. Officers found a dead body inside the Central World Department Store. Investigators found assembled weapons and a large number of war weapons around the demonstration area and in Lumpini Park. Findings included C4 explosives, fire extinguishers modified to be bombs, M79 grenades, 5.56mm and 7.62mm shotgun ammunition, hand gun ammunition, pipe bombs, bottle grenades with oil-soaked wicks etc.¹¹⁵ There was a report that one M16 assault rifle was found in the precincts of Pathumwanaram Temple.¹¹⁶ On 21 May, soldiers and police inspected the area and buildings in Pathumwanaram Temple and found one Thai-assembled hand gun and 100 bullets (7.62mm), two tear gas canisters, some giant fire crackers and ping-pong bombs.¹¹⁷ A search of the Jivathai high-rise building discovered bombs and ping-pong bombs. A search of the Century Park Hotel found gun cartridges.¹¹⁸

22 May 2010. Military officers examined areas and cooperated with the Bangkok Metropolitan Administration in cleaning the demonstration areas.

23 May 2010. Military officers withdrew from the area and took down all barricades. The 1st Infantry Regiment turned the area over to the police while CRES extended the curfew for another two days except for the Pattaya area where the curfew had been lifted on May 21. The curfew was from 11 p.m. on May 24 to 4 a.m. on May 25.¹¹⁹

¹¹⁵ Memorandum Yor Tor 1009/1385, progress report on crime scene and collection of evidence during the dispersal of demonstrators, 10 April 2010 and 19 March 2010 by the Forensic Institute, Page 5-7.

¹¹⁶ DSI Report No. 249/2553 Plan 5, Senior Police Branch Officer interviewed on 13 July 2012 and “Police discovered M16 in Wat Patum Temple which was stolen at Din Daeng” Thairath, 29 May 2010. <http://www.thairath.co.th/content/region/86062>, On 28 March 2012, at the 9th TRCT Hearing on “Six Bodies at Wat Pratumwanaram Incident on the 19 May 2010” Military presented a PowerPoint Presentation that indicated on how many ammunitions have been recovered between 19-22 May including; three M16 shot guns, a LK47 shotgun, one M79, 29 M79 bullets, 406 bullets of the M60, 283 shot gun ammunitions, 5 shotgun shells, 2 mock tail bombs, seven explosive devices and others such as knives, petrol bombs and slings etc.

¹¹⁷ Presented documents by Mr. Suthep Thaugsuban, dated 27 June 2012, Page 225.

¹¹⁸ Colonel Thammanoon Vithi, 8th TRCT Hearing session on Dindaeng-RangNarm Cross Section - Incidents on 13-19 May 2010, 22 March 2011.

¹¹⁹ Section 11.1 according to Article 91(1) of Emergency Decree on Public Administration in Emergency Situations B.E. 2548, Edition 5.

2.3 Investigative Findings Relating to Specific Incidents of Violence During April–May 2010

Investigating and determining the truth about the violent incidents during April–May 2010 is very complicated. Many details are involved in terms of facts and other information, testimony and the large number of sites where the incidents took place, both in Bangkok and in the provinces. TRCT, through its Truth-Seeking Sub-commission, has investigated and sought the truth about the violence, which it has separated into 10 groupings:

- 1) The violence at the Thaicom satellite station on 9 April 2010;
- 2) The violence on 10 April 2010, including the death of a Japanese cameraman;
- 3) The violence around the National Memorial on 28 April 2010;
- 4) The death of Maj. Gen. Khattiya Sawasdipol on 13 May 2010;
- 5) The violence in the Bonkai area near Lumpini Park, Silom Road and Rama IV Road, separated into incidents before and during the blockade between 13 May and 18 May 2010;
- 6) The violence in the Ratchaprarop-Makkasan-Dindaeng area, separated into incidents before and during the blockade between 13 - 18 May 2010;
- 7) The violence on 19 May 2010, including the death of an Italian cameraman;
- 8) Incidents at the Pathumwanaram Temple on 19 May 2010;
- 9) Burning of buildings in Bangkok; and
- 10) Demonstrations and burning of buildings in several provinces. TRCT has determined that during the violent incidents during April and May, 92 people lost their lives¹²⁰ and no less than 1,500 people were injured.

¹²⁰ Concerning the death of Mr. Anant Chinsongkram, who took part in the demonstrations from April to 19 May 2010 and who died on 5 October 2010 in Khon Kaen province, it was found that he died of a contagious lung infection, so his death cannot be determined as having resulted from events during the April-May violence or not. As for Mr. Rangsan Rattanawan, whose name the TRCT listed in its 3rd interim report as number 93 among people who died, the investigation failed to turn up information on when and where the death occurred, so it cannot be determined as having resulted from events during the April-May violence or not. Additionally, the TRCT list of fatalities does not contain the names of 15 people for whom the Ministry of Social Development and Human Security announced it would provide compensation. These 15 people are: 1) Mr. Sompong Kingdaeng, concerning whose death no information was found; 2) Miss La-ongdao Klomklon, concerning whose death no information was found; 3) Mr. Varintorn Khamrot, whom the investigation found to have died in an explosion at Saman Metta Mansion in October 2012; 4) Mr. Apirak Satchabanyongkit, whom the investigation found to have died in an explosion at Saman Metta Mansion in October 2012; 5) Miss Tatsanee Charoenlap, whom the investigation found to have died in an explosion at Saman Metta Mansion in October 2012; 6) Mr. Rattanachai Rattanamaneerungsaeng, or Daengtinto, whom the investigation found to have died on April 9th 2012 of dehydration and an abnormal brain condition; 7) Mr. Sompong Srimanon, whom the investigation found to have died on 15 May 2012 of asthma-related problems in the area in front of the tent being used by the National Police; 8) Mrs. Anong Khongsawat, concerning whose death no information was found; 9) Mr. Chit Khamenkan, concerning whose death no information was found; 10) Thawatchai Thongmark, whom the investigation found to have died in July 2012 as a result of the explosion in front of the Big C store at Ratchadamri; 11) Police Lt. Col. Methi Chatmontree, or Investigator Jarph, whom the investigation found to have died on 7 October 2008 as a result of the People's Alliance for Democracy rally; 12) Mr. Pom Phonphanphua, whom the investigation found to have died as a result of the confrontation between the red shirts and the Nang Loeng community on 13 April 2009; 13) Mr. Yuthakarn Joichotchoi, whom

Following are brief summaries of the details relating to the incidents just mentioned.

2.3.1 The Violence at the Thaicom Satellite Station on 9 April 2010

2.3.1.1 No one died in the violence that occurred at the Thaicom satellite station in Lat Lum Kaew District of Pathum Thani Province, but there were injuries among both soldiers and protesters.

2.3.1.2 The incident occurred after the government used its power under the Emergency Decree to suppress broadcasts by the People Channel on 7 April 2010. The government explained: “The People Channel broadcast the UDD rally at the Ratchaprasong intersection in a way that distorted information and caused repercussions on the Royal Institution, individuals and organizations. The broadcasts fostered a wrong understanding that incited people to hate the state and its officers. Additionally, broadcasting the rally, which the Civil Court ruled was illegal and against the Constitution, violated the law and encouraged violation of the law.”¹²¹ The closure of the People Channel used powers granted under regulations related to measures prohibiting the presentation of news or any other form of communication that could create fear among the public or that intends to distort news or information during an emergency and create misunderstanding that affects national security, public order or public morality.¹²² Accordingly, at 7:30 p.m. on 7 April the CRES sent three companies of soldiers along with crowd-control equipment, such as shields, batons, shotguns and water-cannon trucks, to Thaicom satellite station #2 in Lat Lum Kaew District of Pathum Thani Province to stop television transmissions by the People Channel. Station officials explained that the TV signal was not being transmitted from that station, so they could not cut it off. The officials instead used a jamming signal that caused the People Channel signal to disappear at 9:50 p.m.

2.3.1.3 The suppression of the People Channel signal led the UDD to mobilize 5,000 people led by Mr. Kwanchai Praipana, Mr. Suporn Atthawong and Mr. Payap Panket. This group went and protested in front of Thaicom satellite station #1 at the Khae Rai intersection in the city district of Nonthaburi Province. Another group of 500 people led by Mr. Chuchat Hansawat and Mr. Yossavaris Chuklom went and protested at Thaicom satellite station #2 in

the investigation found to have died as a result of the violent incident at the Nang Loeng community on 13 April 2009; 14) Chantika Visetkaew, concerning whose death no information was found; 15) Kamolwan Meunnoo, whom the investigation found to have died as a result of the incident in which someone threw a bomb into the People’s Alliance for Democracy protest in December 2008.

¹²¹ The CRES ordered the closure of PTV for distorting information. “‘Sathit’ orders closure of PTV for distorting information and preparing to expand into community radio,” 8 April 2010, <http://www.komchadluek.net/detail/20100408/55195/>

¹²² Clause 2 under Section 9 of the Decree for Administration in Emergency Situations, B.E. 2548 (2005), grants the power that was invoked on 7 April 2010.

Lat Lum Kaew District of Pathum Thani Province. These protests, beginning 8 April, demanded that the government stop cutting the signal of People Channel TV station so it could resume broadcasts.

2.3.1.4 On 9 April, about 10,000 UDD demonstrators led by Mr. Jatuporn Prompan and Mr. Nattawut Saikua went to bolster the protesters at Thaicom satellite station #2. At the same time, the CRES deployed 25 army companies at the station. When negotiations between officials and UDD core leaders on restoring the People Channel TV signal produced no results, UDD protesters forced their way into the station grounds after a person speaking from a vehicle with loudspeakers urged them to tear down the barbed wire and enter the grounds.¹²³ A confrontation ensued during which soldiers used water cannon, shields, batons and shotguns with rubber bullets to disperse the protesters. While the protesters used makeshift weapons such as sticks, sharp metal rods, stones and home-made firebombs, it does not appear that they had or used guns against the soldiers. Eventually, the protesters were able to break through the defensive line the soldiers set up and enter the grounds of Thaicom satellite station #2, where they managed to restore the signal of the People Channel TV station. After the protesters left, however, the troops who were still at the station cut the signal once again. Nevertheless, UDD members returned the following day and, in the end, the People Channel TV signal was back in operation.

2.3.1.5 In the action to control the situation at Thaicom satellite station #2, soldiers also brought along their personal regular-issue weapons (assault rifles), but these were kept in a supplies truck separate from real bullets. As well, the CRES and the commanding officers repeatedly and strictly forbade the soldiers to use these weapons on the crowd. Some of the protesters seized the guns, which were later shown to the media before all of them were returned through official channels (police officers) that same day. But some other equipment the protesters took, including bulletproof vests, shields and ammunition for M16 rifles, was not returned. High-level army commanders noted that the protesters were able to break through the defensive line and enter the station grounds because it is a confined area not suitable for the control measures the soldiers used as well as because the soldiers adhered strictly to the CRES's instructions not to harm the protesters. Many of the protesters used makeshift weapons such as sharp wood and metal poles that made it difficult for the soldiers to protect themselves without fighting, and the UDD prepared and trained some of the protesters well in how to respond to the crowd-control measures used by the soldiers.

2.3.1.6 Even though no one was killed in the confrontation between the soldiers and protesters, there were injuries on both sides. Some protesters sustained injuries from being shot with rubber bullets. Vehicles and other state property were destroyed by protesters. Each

¹²³

As observed in video footage taken during the incident.

side used violence to inflict bodily harm on the other. Some of the protesters teamed up to attack soldiers and acted in ways that made the soldiers feel they were being treated with contempt.¹²⁴ Photos of this appeared in media throughout the country. From interviews with many soldiers, it was found that this incident had a strong emotional impact on the army ranks as a whole.¹²⁵

2.3.1.7 Concerning the matter of the soldiers bringing along their assault rifles in a supply vehicle, officials noted that it is standard practice that soldiers sent on duty anywhere must bring their personal-issue weapons with them.¹²⁶ Some reasoned that these were brought in case of emergency, but that the CRES strictly forbade the soldiers to use the weapons on the protesters, who were fellow Thais. However, the fact that the soldiers brought along combat weapons, even if these were kept in supply vehicles separately from the ammunition and not taken out for use, might have strongly reinforced among protesters the idea that soldiers would use these weapons to crush them.

2.3.1.8 The administrators of Thaicom satellite station #2 were of the opinion that the process of suppressing the People Channel TV signal also impacted the service the Thaicom satellite station provided to a group of international customers, violating protocols of the International Telecommunication Union (ITU).

2.3.1.9 The suppression of the People Channel TV broadcasts, even if it was done in accordance with powers granted under the 2005 Decree for Administration in Emergency Situations, ran the risk of violating the right to freedom of the media as guaranteed by Article 15 of the B.E. 2550 (2007) Constitution of the Kingdom of Thailand. It led the Thai Journalists Association and the Thailand Cable TV Association to issue a statement whose main point was that the suppression of the People Channel TV signal violated Article 15 of the Constitution. It also said the government's excuse of preventing distortion of news while at the same time using government-controlled radio and television stations to present programs that seemed to give one-sided information, and allowing other satellite-broadcast radio and TV stations to present similar content, might have exacerbated divisions in Thai society. According to the statement, the government should have accepted that its actions opened it to criticism of applying

¹²⁴ For example, they made soldiers kneel, disarmed them and forced them to “wai,” or put their hands together and raise them in a gesture of respect.

¹²⁵ Army Col. Virat Nakju, commander of the 1st Anti-Aircraft Artillery Division, came and provided information to the TRCT on 17 February 2011.

¹²⁶ Army Col. Virat Nakju, commander of the 1st Anti-Aircraft Artillery Division, came and provided information to the TRCT on 17 February 2011.

“double standards.”¹²⁷ Additionally, the suppression of the PTV broadcasts was an important factor in pushing protesters to oppose the government, and led UDD supporters to travel and join the protest.

2.3.2 Violence in Incidents on 10 April at the Makhawan Rangsan Bridge, Somdej Phrapinklao Bridge, Kok-wua Intersection, in front of Satri Wittaya School and in Dusit Zoo

2.3.2.1 The violence that occurred on 10 April caused 26 people to lose their lives, of whom 21 were civilians and 5 were soldiers. One civilian who died was shot with a high-velocity bullet in front of the Education Ministry around 3 p.m. during action to disperse the rally in the area of the Makhawan Rangsan Bridge. Another 19 civilians died during incidents that evening at the Kok-wua intersection and in front of Satri Wittaya School. One of the 19 was a Japanese cameraman. The remaining civilian deaths took place in Dusit Zoo around 11:00 p.m.. Of the military fatalities, 1 soldier died as a result of the incident at the Kok-wua intersection, and the other 4 died as a result of the incident in front of Satri Wittaya School. On that same day, at least 864 people were injured, more than 300 of them were soldiers. The injuries ranged from light to serious. Protesters damaged, destroyed and burned military vehicles including armored personnel carriers as well as many combat weapons. Many combat rifles and munitions also were seized by the protesters and the UDD, and government institutions have not yet recovered these.

2.3.2.2 The UDD called for a massive march on Bangkok on 12 March 2010, with the protesters to meet up at Panfah Bridge. It began rallying on 13 March on Ratchadamneon Avenue and set up a stage for speeches at the Panfah Bridge. The rally covered almost the entire lengths of Outer and Middle Ratchadamnoen Road, occupying all traffic lanes from the Misakwan intersection to the base of the Phrapinklao Bridge, on the Bangkok side. There was coordination with police to set up checkpoints to search for weapons and illegal items among people entering or leaving the rally. Then on 3 April, the UDD expanded its rally with a parallel demonstration at the Ratchaprasong intersection, where it also set up a stage for speakers. It announced that the rallies would continue in place until the government dissolved the House of Representatives. The rally at Ratchaprasong caused the number of demonstrators at the Ratchadamnoen rally to go down. The CRES tried to negotiate for the return of Outer and Middle Ratchadamnoen Avenue, so traffic could use the Rama VIII and Phrapinklao bridges, but without success. The demonstrators continued to keep their main stage in the Panfah Bridge area and continued to occupy almost the entire lengths of Outer and Middle Ratchadamnoen Avenue. On 10 April at 11 a.m., the CRES ordered security forces to disperse the crowd. It ordered

¹²⁷ The Thai Journalists Association issued a joint statement on the closure of TV stations broadcasting via satellite and websites on 8 April 2010 http://www.tja.or.th/index.php?option=com_content&view=article&id=1567:2010-04-08-10-25-14&catid=49:2552&Itemid=26

forces to go to the area of the Makhawan Rangsan Bridge, to Dinso Road heading toward the Democracy Monument intersection, and to Tanao Road heading toward the Kok-wua intersection, while another contingent was to come from Thonburi across the Phrapinklao Bridge to join the forces on the Bangkok side. High-ranking CRES and Military Intelligence officials interviewed about the dispersal plan believed that the UDD and a group of individuals who used combat weapons to oppose the government (hereafter referred to as “men in black”) knew in advance about the CRES plan to retake the occupied area.

2.3.2.3 Violence during the incident in the area of the Makhawan Rangsan Bridge

1) The confrontation between security forces and UDD demonstrators on Outer Ratchadamnoen Road, and in particular near the Makhawan Rangsan Bridge, resulted in the death of one of the protesters. Some security officers and demonstrators were injured by tear gas, rubber bullets, and makeshift and homemade weapons.

2) From about 12:55 a.m., a group of protesters led by Kwanchai Praipana, a core UDD leader, blockaded the entrance to the Army Region 1 Camp. All afternoon clashes broke out as security officers moved in and used water cannons, batons, shields and tear gas to push the crowd off of Outer Ratchadamneon Avenue and back to the stage at Panfah Bridge. Some army units advancing along Dinso and Tanao roads to take control of Middle Ratchadamneon Avenue also encountered opposition.¹²⁸ Clashes occurred in front of the entrance to the Army Region 1 camp, the Panitchakan and Misakwan intersections, at the Makhawan Rangsan Bridge, in front of the United Nations Building, in front of the parliament Headquarters and in front of Somnasuanwihan Temple. Protesters obstructed the advance of the security forces with vehicles and barricades, and by throwing pieces of wood and makeshift weapons at the forces, who fired tear gas and shotguns loaded with rubber bullets. Later soldiers arrived with their regular assault rifles, for which the CRES set rules of engagement with the protesters that followed three stages from light to heavy, according to international guidelines.¹²⁹

3) During the clash near the Makhawan Rangsan Bridge, Mr. Kriangkrai Khamnoi, one of the protesters, was killed by a bullet fired from a high-velocity rifle at around 3 p.m. He was among a group of protesters in the area in front of the Education Ministry. It still cannot be determined which side of the conflict fired the bullet. The investigation found that security officers used shotguns to fire toward the crowd. Many also used their assault rifles to fire real bullets into the air. Some people had handguns. But it was not found that any security officers fired level shots from their rifles in the direction where the crowd was gathered.

¹²⁸ From information Colonel Thammanoon Vithi, administrator of the parliament’s Operations Division, provided when he met with the TRCT on 15 February 2011.

¹²⁹ CRES Directive No. 1/2553 stipulating the rules of engagement was attached to the orders given on April 7th, as cited on page 78 of the explanatory documents Mr. Suthep Thaugsuban submitted to the TRCT on 27 June 2012.

Security officers who provided information said that during the incident, the forces did not use combat rifles and real bullets against the crowd, did not see any demonstrators armed with combat weapons, and did not see any individuals whose side was not known using combat rifles or carrying such weapons and mingling with the crowd.

2.3.2.4 Violence during the incident on the Phrapinklao Bridge

1) The violence on the Phrapinklao Bridge did not cause any loss of life. Some security officers were injured, and UDD protesters seized many combat weapons. The protesters also damaged or destroyed army vehicles and much other state property.

2) The incident took place when transport vehicles attempted to bring soldiers from Thonburi across the Phrapinklao Bridge to supplement the forces retaking control of the Middle Ratchadamnoen area at about 4 p.m. While some of the transports were on the bridge, Mr. Yossavaris Chuklom (Jeng Dokchik), a core UDD leader and guard, along with about 1,000 protesters forced the vehicles to halt, while the soldiers were under orders not to use force.¹³⁰ This forced the soldiers to cross the bridge on foot with the crowd control equipment, leaving behind some combat weapons in a supply transport with a guard of about 30 soldiers. The protesters used force to seize a large number of assault rifles, other weapons and ammunition from the supply vehicle. They took these to display at the main UDD stage at Panfah Bridge and forced one of the soldiers to go with them, and sit and make a statement behind the stage. Besides this, some of the protesters damaged the army vehicles and other state property, causing some of it to go missing. As for the remaining soldiers on the bridge, they retreated without further incident.

3) From investigation it was found that the guns, other weapons and ammunition that UDD core leaders, guards and protesters seized and took to display on the stage comprised 35 shotguns with 1,152 rubber bullets, 12 Tavors assault rifles with 300 real bullets and some other munitions. The investigation did not find that the state had recovered all this weaponry from the UDD.

4) Maj. Gen. Khattiya Sawasdipol was seen with Mr. Yossavaris Chuklom in the area near the base of the Phrapinklao Bridge, on the Thonburi side, around 4:40 p.m., the time when the protesters seized the weapons from the soldiers.¹³¹

2.3.2.5 Violence during the incidents at the Kok-wua intersection and in front of Satri Wittaya School

1) The violence during the incidents at the Kok-wua intersection and in front of Satri Wittaya School left 24 people dead, 5 of them were soldiers and 19 of them were civilians.

¹³⁰ Piyanes Phatrasasawatwong, an Operations officer with the 29th Infantry Regiment of the 9th Infantry Division, Kanchanaburi, who came in to give information to the TRCT on 16 March 2012.

¹³¹ Evidence for this appeared in pictures taken by a soldier who was on duty on the Phrapinklao Bridge and who came to provide information to the TRCT on 16 March 2012.

The civilian deaths can be categorized as follows: 1) at least 8 resulted from the Kok-wua incident; 2) at least 6 resulted from the clash in front of the school; 3) 1 person died during the incident near Democracy Monument from breathing difficulties; and 4) it is not clear which incidents resulted in 4 of the fatalities. The causes of the civilian deaths were: 1 person died of breathing difficulties (the same person as #3 above); 2 people died of bullet wounds that the autopsy results could not confirm as made by high-velocity bullets or not; and all the rest died of bullet wounds from high-velocity bullets. As for the 5 soldiers who lost their lives: 1) 1 died of shrapnel wounds from an M79 grenade during the Kok-wua incident; and 4 died as a result of the clash in front of Satri Wittaya School, 3 of shrapnel wounds from an M67 grenade and the other of shrapnel wounds from an M79 or M67 grenade. The 2 incidents left at least 800 people injured, no less than 300 of them soldiers, with the injuries ranging from light to serious.

2) During the afternoon of 10 April, the soldiers advanced with armored personnel carriers to disperse the demonstration and reclaim the Middle Ratchadamneon Avenue area from the UDD. As they tried to advance from where they had been stationed, demonstrators tried to obstruct them all along the way. When the troops reached the Chalermswong intersection at about 5 p.m., some turned right, passed in front of Bovornives Vihara Temple and continued along Tanao Road past the traffic circle while others went down Khaosan Road. They clashed with UDD demonstrators in the area of the Kok-wua intersection. Another contingent of soldiers advanced along Dinso Road and clashed with UDD protesters who gathered at Democracy Monument in front of Satri Wittaya School. Other demonstrators scattered along Middle Ratchadamneon Avenue obstructed the troops' advance in response to a call by UDD core leaders to stop the advance and not let the soldiers take control of the road. They massed themselves and parked vehicles to form barricades. At around 4:35 p.m., a helicopter flew in circles over the demonstrators in the Panfah Bridge area and dropped tear gas onto the crowd. Around the same time, another army helicopter flew in and dropped 2 kinds of handbills. One set read: "Entering a prohibited area is a violation of the law. Don't be deceived by provocations. We ask fathers and mothers, sisters and brothers to stop creating chaos and hurting Thailand. Return to your homes." The other set said: "Attention. Army forces are arriving to take control of the Ratchadamneon area in order to return it to our brothers and sisters for normal use. We advise all bystanders to leave the area for their safety and to allow security forces to perform their duties without interference." At around 17:50, fire from an AK-47 assault rifle¹³² hit the helicopters, penetrating inside and seriously injuring 1 soldier, Col. Mana Parinyasri. During the late afternoon and evening, besides the shooting of the helicopters

¹³² Base on evidence from investigation by the Department of Special Investigations, explanatory documents presented by the army and news reports.

already mentioned, intermittent scuffles occurred between the demonstrators and army forces. There were some discussions between them, but no violent incidents.

3) From interviews with many demonstrators, it was found that the demonstrators got very angry when they saw the helicopters circling above dropping tear gas and handbills on the crowd. They felt they were the targets in a one-sided attack, as opposed to encounters with ground forces using crowd-control equipment, in which they could respond with makeshift weapons such as pieces of wood, bricks and bottles. The situation they described corroborates the observations of experts in rules of engagement and other specialists who said the use of the helicopters as described not only failed to help disperse the crowd but incited the demonstrators, making them even angrier with the soldiers or the CRES. As to the reason why the security forces used the helicopters, they resorted to this because they could not enter the area occupied by the demonstrators.

2.3.2.6 The appearance of the men in black

1) Some of the demonstrators used cloth to cover their faces. In the Democracy Monument area, some of these masked people climbed up and covered CCTV cameras with black bags or turned the cameras in such a way that they could not record what was going on. The CRES interpreted this as a way to conceal illegal activities by the demonstrators, while the UDD maintained it was done to keep the security forces from knowing in advance where demonstrators were moving, to prevent them from dispersing the crowd.

2) It was found that 5 men in black appeared with combat weapons in the crowd of demonstrators, and that some of these men were closely related to Maj. Gen. Khattiya Sawasdipol (Seh Daeng). A foreign journalist observed these individuals armed with AK-47 and M-16 assault rifles, M-79 grenade launchers and handguns around the beginning of the street next to the MacDonald's restaurant that connects with Tanao Road, right in back of the Government Lottery building (the street in back of the old lottery building), along Middle Ratchadamnoen Avenue.¹³³ The journalist saw them about 5:30 p.m., not long before the soldiers on Tanao and Dinso roads were attacked with combat weapons. Additionally, during the clash, police investigators of Bangkok Metropolitan Police Division 6 saw 4 men in black armed with AK-47 and other unidentified assault rifles walk out from the October 14th Monument side of Tanao Road and enter the group of demonstrators at the Kok-wua intersection. After the violent altercations, the police mentioned above seized an M-79 grenade launcher from a man in black

¹³³ The foreign journalist was interviewed on 22 October 2010 and 29 December 2010.

in the Kok-wua area.¹³⁴ Following the violence in the Tanao Road area, at 8:37 p.m., saw a man in black carrying an AK-47 assault rifle in the same area and took a photo.¹³⁵ Another photo appeared showing a person with an M-16 assault rifle standing amid the demonstrators during the violence, corroborating a report from an emergency rescue volunteer.¹³⁶ Besides this, at around 7 p.m., before the soldiers were attacked with grenades, people saw a white van bring 2 or 3 men in black with combat weapons and let them off near Democracy Monument on the side where the Muang Boran bookstore and Methawalai store (formerly Red Arrow) are located. UDD guards encircled and escorted the men in the direction of the MacDonald's at the corner of Dinso Road next to Satri Wittaya School. There they entered the crowd of demonstrators, with the UDD guards not allowing anyone to take any pictures. Some of the demonstrators said, "They've sent people to help us," but the UDD guards told them not to say anything.¹³⁷ The white van appears twice in closed-circuit TV footage taken at the Sikakphrayasri traffic circle, the first time at 8:19 p.m. and the second time at 9:01 p.m.¹³⁸ Yet another photo appeared showing a man in black with an M-79 grenade launcher standing next to a white van that is parked in an area with demonstrators, but the source of the photo cannot be verified. One soldier provided information that after the violent clash, a white van with men in black and combat weapons inside passed in front of Trithotsathep Temple. Passengers stuck their heads out of the van and jeered at an injured soldiers. A soldier confirmed that he saw 2 or 3 able-bodied men with weapons sitting inside the van.

¹³⁴ Information provided by police investigators who were on duty during the incident, the Truth-Seeking Sub-commission meeting 21/2554 (2011), the record of the seizure kept by the investigation department of Bangkok Metropolitan Police Division 6, filed on 10 April 2010, signed by the investigators who were on duty during the incident and who seized the weapon and filed the record.

¹³⁵ The photo the foreign journalist took first appeared in the New York Times article "Violence Erupts in Thai Streets," published on 10 April 2010, <http://www.nytimes.com/2010/04/11/world/asia/11thai.html>.

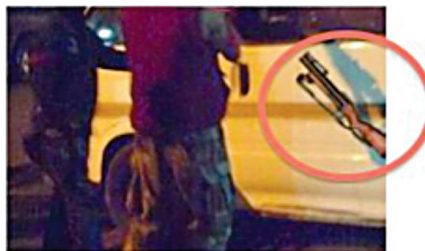
¹³⁶ In the photo of Mr. Vasant Sairatsami sitting next to the body of Mr. Vasant Phuthong, a person dressed as a civilian and carrying an M-16 can be seen standing amid demonstrators. This was presented with other information on 15 February 2011.)

¹³⁷ From an interview on 23 June 2012 with an observer present at the incident.

¹³⁸ Information provided by soldiers on 14 March 2012, documents submitted as the file "Ways of thinking that were used in keeping the peace: 2," and explanatory documents Mr. Suthep Thaugsuban provided to the TRCT on 27 June 2012, pp. 94-99.



Left and Right : pictures of a person in civilian clothes holding an unidentified object, alleged to be a grenade launcher.



Juxtaposition of an image of an M79 launcher and the shadow of the unidentified object. The grain of the picture and the fact that the shadow is cast at a certain angle on the car preclude any position identification

Picture 1: A picture of a man in black holding a weapon with a shape similar to an M79 grenade launcher. The source of the photo cannot be verified, but it was widely disseminated and used by various groups. (The lower photo is from a comparison of the shadow made by foreign forensic science experts in the field of weapons and ammunition.¹³⁹

¹³⁹ Fabiano Riva and Matthieu Glardon, Forensic Firearms & Ballistics Examination for the TRCT, 21 June 2012, page 9.



Picture 2: A picture of a man in black holding an AK-47 assault rifle in the Tanao Road area, taken by a foreign journalist on at 8:37 p.m.¹⁴⁰

2.3.2.7 Violence during the incident at the Kok-wua intersection

1) Between about 5 - 6 p.m., army forces moving in to take control of Tanao and Khaosan roads heading toward the Kok-wua intersection scuffled with demonstrators. The soldiers formed lines to push back the demonstrators using shields, batons and shotguns. Soldiers armed with assault rifles were in the back rows. The demonstrators tried to halt the soldiers' advance with water bottles and makeshift weapons. Knives and handguns of unknown types also were used against the soldiers, 2 of whom were injured by gunfire.¹⁴¹ This went on until about 7:20 p.m., when the troops tried to force their way into the Kok-wua intersection using tear gas. Demonstrators blocked the way, hurling things into the advancing ranks, and wind blew the tear gas back at the soldiers, who had to retreat back into Tanao and Khaosan roads.

2) At around 8 p.m., someone shot an M79 grenade into the forward lines of the soldiers on Tanao Road, while the demonstrators continued to throw makeshift weapons and firebombs into the army ranks. Bullets from high-velocity rifles also were fired from the direction

¹⁴⁰ The photo, taken by foreign journalist Mr. Agnes Dherbeys, first appeared in the New York Times article "Violence Erupts in Thai Streets," published on 10 April 2010. <http://www.nytimes.com/2010/04/11/world/asia/11thai.html>. Mr. Dherbeys was interviewed on 18 February 2012.

¹⁴¹ Summary of the incident on 10 April 2012 at the Kok-wua intersection, by Bor Kor. control No.1 Ror2. Ror Aor.

the soldiers had come from around the Kok-wua intersection. Investigation found that 2 or 3 men in black who had mixed in with the demonstrators in front of the Burger King restaurant on Tanao Road and near the intersection used combat weapons including AK-47 assault rifles to fire in the directions of the Bovornives Vihara Temple traffic circle and Khaosan Road, where soldiers were. Evidence includes photos, video clips and eyewitness accounts. One video clip showed a man in black mixed in with the protesters who was firing an AK-47 at what he seemed to think was a sniper shooting from a third-floor balcony of the Government Lottery Office building, which is located right at the entrance to Tanao Road where it meets Ratchadamnoen Road. Subsequent investigation found that the figure was probably a palm tree, and that what appears to be smoke coming from the end of a rifle barrel probably was dust produced when bullets hit the concrete wall of the building. The Scientific Crime Detection Division found many bullet marks in the wall on the side of the landing. They found evidence that bullets fired from AK-47 assault rifles made some of these marks. It was determined that high-velocity bullet marks were made by bullets fired from the Kok-wua intersection into Tanao Road in the direction of the Bovoranives Vihara Temple traffic circle, and in the opposite direction, as well as from Tanao Road into Khaosan Road and in the opposite direction. The marks made by bullets fired from the Bovoranives Vihara Temple traffic circle and Tanao Road showed that the bullets were on rising or level trajectories; none were made by bullets fired from an elevated position. Officers with the crime scene investigation unit of the Central Scientific Crime Detection Division of the National Police found 8 holes made by explosions on the road surface and sidewalk along Tanao Road between the intersection with Khaosan Road and the Bovoranives Vihara Temple traffic circle, but they were not able to identify what kind of explosions made the holes. Additionally, officers with the weapons investigation unit of the Central Scientific Crime Detection Division found cracks and fragment tracks they could confirm as made by M79 grenades in 2 other places: the back shell of a small covered pickup truck and an Air Asia advertisement hanging in front of a commercial building. These grenades were shot from the Kok-wua intersection area toward the Bovoranives Vihara Temple traffic circle. Marks made by grenade fragments were found in many more places. The violence at the Kok-wua intersection caused the death of one soldier, Sergeant Anupon Hommali, who was hit by M79 grenade fragments. Many soldiers were injured by grenade fragments, and 28 were injured by rifle bullets.¹⁴²

3) In the chaotic situation after the soldiers were attacked with war weapons by the men in black, according to video and eyewitness testimony, soldiers on the Bovoranives Vihara Temple traffic circle side of Tanao Road and on Khaosan Road fired their assault rifles in

¹⁴² Summary of the incident on 10 April 2012 at the Kok-wua intersection, by Bor Kor. control No.1 Ror2. Ror Aor.

the direction of the Kok-wua intersection.¹⁴³ The Central Scientific Crime Detection Division found many marks made by real bullets fired from assault rifles from the directions where the soldiers were, with both rising and level trajectories. These bullets went into the Kok-wua intersection area, where demonstrators were and where the men in black appeared. They also hit the Government Lottery Office building and the balcony where the suspected sniper was located in the video mentioned in point 2.3.2.3 (2) above. At least 8 civilians died of bullet wounds from the incident at the Kok-wua intersection: Mr. Sawat Wangam, Mr. Toetsak Fungglinchan, Mr. Tawattanachai Klatsuk, Mr. Praisol Tiplom, Mr. Amphon Tatiyarat, Mr. Anant Sirikulavanit, Mr. Boontham Thonhpui, and Mr. Somsak Kaewsar. A large number of demonstrators were injured.

4) After the serious encounter involving weapons, the army commander asked to fall back to the Army Association. While the troops were retreating and helping injured soldiers, some groups of protesters moved forward to close the way on the side of Bovoranives Viharan Temple. They encircled and ganged up on injured soldiers while the army was sending ambulances, further injuring many soldiers. Other demonstrators, however, helped soldiers take off their battle gear or change into civilian clothes to prevent them being attacked.



Picture 3: A man in black in front of the Burger King is shooting a gun in the direction of Tanao Road, where soldiers were advancing. In the opinion of independent forensic science specialists on guns and ammunition, the gun is an assault rifle.¹⁴⁴

¹⁴³ In this regard, CRES directive 0407.45/59 to the Defense Ministry, which Mr. Suthep Thaugsuban referred to in the explanatory documents he presented to the TRCT on 27 June 2012, pp. 112-113, stipulated: “Following the incident in which perpetrators fired weapons at troops and innocent citizens, and in order to efficiently correct the situation, all units must direct their energy toward maintaining control over the area currently secured, as of 8:30 p.m. on 10 April 2010. As well, consider the use of crowd-control measures in stages, with weapons to be used only when necessary to protect oneself or innocent citizens.” It also stipulated that weapons be used only when a real threat arose, and to aim at the lower part of the body so as to stop people using weapons from continuing to use them.

¹⁴⁴ Fabiano Riva and Matthieu Glardon, Forensic Firearms & Ballistics Examination for the TRCT, 21 June 2012, page 8.

2.3.2.8 Violence during the incident in front of Satri Wittaya School

1) Army forces moved in to take control of the Dinso Road area in front of Satri Wittaya School on the evening of 10 April. Soldiers in the front ranks were armed with shields, batons and shotguns, while soldiers with assault rifles were in the back rows, and an armored personnel carrier accompanied them. This led to a confrontation with UDD demonstrators, who erected barriers. Some scuffles took place in the early evening but no violent clashes.

2) At around 7:30 p.m., the soldiers announced that the demonstrators should leave the area and go home. In turn, the demonstrators waved the national flag back and forth, and said some of their number had been injured when the helicopter circled overhead dropping tear gas on the crowd. A scuffle broke out around 8:40 p.m. on the Satri Wittaya side of Democracy Monument, with the demonstrators throwing tear gas and various objects into the army ranks and the soldiers using shields, batons and tear gas. Before the explosions occurred, a green laser beam shone on the soldiers, and troops fired into the air toward the demonstrators and the wings of the monument. They used real bullets, which could be determined from the sound of the guns and bullets that ricocheted off the wings. Some bullets fell among the demonstrators on the southern side of Middle Ratchadamnoen Road, opposite the soldiers, injuring quite a lot of them.¹⁴⁵ A photo appeared later showing the large number of shells collected from the area where the soldiers stood. This development caused several demonstrators, 10 by some counts, to climb over a wall into a wooden house on Dinso Road, opposite Democracy Monument. They climbed over a side wall adjacent to a small park on the edge of the traffic circle around the monument, beside the Sidewalk Café restaurant. After using water in the house to wash out the tear gas, they left the compound by climbing over the back wall.¹⁴⁶

3) Concerning the matter of shots coming from people hiding in Satri Wittaya School during the clash on 10 April in the Dinso Road area, a demonstrator who had been injured by a bullet while in the crowd was on the base of Democracy Monument that evening. The person testified that before the explosions in front of the school, shots were fired at the base and wings of the monument. After the explosions, the person looked up and saw the shadows of three people running back and forth on the top floor of Satri Wittaya School. When the person turned back toward the stage at Panfah Bridge, a bullet hit the person's right arm, entering from the back and exiting through the front.¹⁴⁷ Also, a foreign journalist testified that after the explosions occurred, shots were still being fired from the top of the school, and

¹⁴⁵ Information from statements made by affected demonstrators, part of the TRCT's statement-taking project.

¹⁴⁶ The house caretaker was interviewed on 6 June 2012.

¹⁴⁷ The person was interviewed on 26 January 2012.

demonstrators were pointing up at the building.¹⁴⁸ In addition to this, late that night, after the troops had pulled back, a group of demonstrators tried to enter and search the school, but the school security guards and the police officer in charge, from the headquarters of the Bangkok Metropolitan Police Region 3, which was using the school as a place to rest, did not allow this. They asked the UDD to return and search the school in the morning. CRES and parliament officials asserted that on April 10th there was no order to deploy forces in elevated positions. And Satri Wittaya School did not allow soldiers to enter the school compound even when they were attacked, or to use it for injured or dead soldiers. Before and on the day of the incident, about 100 police from the Bangkok Metropolitan Police Region 3 headquarters set up operations at the school as directed by the National Police Headquarters. They stayed in the cafeteria and meeting room on the ground floor of the school building. From comments made by the police officer in charge, on the night of the incident he directed police to ensure the safety of the school by closing the doors and not letting anyone in or out. Neither he nor any other officers remembered anyone unfamiliar entering the school area. However, the officer in charge did not confirm that anyone was or was not on the top floor, because they did not have permission to go upstairs. But they did not notice anything unusual.

2.3.2.9 The encounter in front of Satri Wittaya School

1) At about 8:30 p.m., after it was known that soldiers had been attacked with combat weapons in the Kok-wua intersection area, Maj. Gen. Valit Rochanapakdi, commander of the 1st Infantry Regiment of the King's Guard, who was in charge of the forces on Dinso Road in front of Satri Wittaya School, met with his officers in back of the armored personnel carrier to prepare to pull back the troops.¹⁴⁹ During this time, Colonel Thammanoon Vithi came out to urge the men up front under his command to close ranks, because he saw that a group of strongly built men had come to the front of the demonstrators along with a large truck with loudspeakers that was drowning out the orders being given to the soldiers. As he was about to return, there was an explosion in the area where the officers were meeting, with another one following almost immediately. From examination of the scene by the Truth-Seeking Sub-Commission and analysis of closed-circuit TV clips by independent foreign forensic-science experts in visual imagery, as well as other video clips, it was found that people threw a smoke bomb amid the soldiers on duty and then 2 deadly explosives at the group of officers who were meeting. The first of these exploded at 20:44:57 and the second exploded nearby at 20:45:31. Soldiers reported that before the explosions, a green laser shone on the target area.

¹⁴⁸ The foreign journalist was interviewed on 17 June 2012.

¹⁴⁹ Col. Thammanoon Vithi, Operations Division administrator, from information he provided to the TRCT on February 15th 2011.)

The Central Scientific Crime Detection Division investigation concluded that both explosives were M67 grenades. Besides these, soldiers insisted they were attacked with a number of M79 grenades, but neither the Central Scientific Crime Detection Division of the Institute of Forensic Science could confirm whether M79 grenades exploded on the street or not.



Image 1: first explosion depicted from five different points of view

Picture 4: Video footage of the 1st explosion. Independent foreign forensic-science experts in visual imagery who did a time analysis comparing it with video from a closed-circuit TV (the bottom-right image corresponds in time to the bottom-left image) concluded that it occurred at 20:44:57.¹⁵⁰

2) Four soldiers died as a result of the attack in front of Satri Wittaya School. Autopsy results found that shrapnel caused the deaths. When considered together with the results of the site investigation by the Central Scientific Crime Detection Division, it was found that 3 of the soldiers including Col. Romklao Thuwatham died of shrapnel from an M67 grenade.

¹⁵⁰ Quentin Milliet, Forensic Imagery Report, 19 June 2012 (updated from the 9 July version): Mandated by the Swiss Expert Pool for Civilian Peacebuilding for the TRCT, page 26.

A weapons expert concluded that the 4th death resulted from an M79 grenade.¹⁵¹ In addition, many soldiers were wounded by shrapnel including Lt. Gen. Valit Rojanapakdi, whose leg was broken by shrapnel from an M67. No evidence was found of bullets causing injuries or deaths among the soldiers including Col. Romklao Thuwatham.

3) From investigation by the Department of Special Investigation and the caretaker of the historic wooden house on Dinso Road across from the entrance to Satri Wittaya School, it is believed that both M67 grenades were thrown from behind the walls surrounding that house, which is near the place where the explosion killed Col. Romklao Thuwatham.¹⁵² According to the caretaker, that evening some of the demonstrators, he counted 10, climbed over the wall of the compound from the Democracy Monument traffic circle to escape the tear gas, and then left through the back. He went on to say that on the following morning, April 11th, he found 2 curved pieces of metal similar to grenade launchers on the ground in the yard of the house. Later that morning 2 men who said they were security officers but who were dressed in civilian clothes asked to enter and inspect the premises. They took both of the things he had found before officers from the Scientific Crime Detection Division arrived.

4) After the grenade attack, the majority of the soldiers retreated and brought their wounded comrades with them over the Chalermswanchat Bridge. But the armored personnel carrier remained with some soldiers in it as well as some injured soldiers stuck in front whom the demonstrators had encircled. From reviewing video footage and from information given by demonstrators, as well as from foreign journalists, it was found that some soldiers on the Chalermswanchat Bridge side of Dinso Road used assault rifles to shoot toward the Democracy Monument circle, where demonstrators were densely packed. Investigations by the Central Scientific Crime Detection Division and the Forensic Science Institute corroborated this. They found many marks made by assault rifle bullets fired in the way mentioned. Along Dinso Road alone there were 120 bullet marks, of which 114 could be confirmed as made by bullets fired from high-velocity rifles and 42 struck at a height less than 120 centimeters. No marks at all were found to have been made by bullets fired in the opposite direction. Specialists in rules of engagement observed that a situation in which soldiers were attacked with explosives without warning, causing injuries and even deaths among high-ranking officers, might have caused might have

¹⁵¹ The opinion of Police Lt. Gen. Amporn Jarujinda after examining pictures of the bodies and wounds, and detailed autopsy results of the soldiers who died from the explosions in the Dinso Road area, given when he provided information to the TRCT on 22 June 2012.

¹⁵² From the TRCT interview with the house caretaker on 6 June 2012, and the report that the Central Scientific Crime Detection Division of the National Police made on its investigation of the incident site, numbered Aw.336/2553.

caused confusion and led soldiers to fire out of control.¹⁵³ The investigation found that at least 5 demonstrators died of wounds caused by assault rifle bullets during the violence in front of Satri Wittaya School: Mr. Vasant Phuthong, Mr. Thossachai Mekngamfah, Mr. Jarun Chaimaen, Mr. Yutthana Thongcharoenphulphon and Japanese journalist Mr. Hiroyuki Muramoto. A large number of demonstrators also were injured.

5) At the time the violence occurred, inflammatory speeches were still being made at the demonstration on Ratchadamnoen Road, inciting the people to oppose the army forces. Even after people had died, announcements were made to mobilize people to go and help the demonstrators at the site of the incident.¹⁵⁴

6) Following the encounter in which many people were injured or lost their lives, high-ranking army officers who were still able to perform their duty¹⁵⁵ arranged for a member of the House of Representatives from the Pheu Thai Party who supported the UDD to come and negotiate an end to the confrontation. Mr. Chaturon Chaisaeng, former Acting Leader of the Thai Rak Thai Party, was contacted by Mr. Kopsak Sabhavas, secretary to the Prime Minister. It was agreed that both sides would pull back. The CRES called for both sides to pull back immediately and leave an open space between them in order to end the violence¹⁵⁶ and the situation settled down.

2.3.2.10 On 10 April evening at around 4:40 p.m., Maj. Gen. Khattiya Sawasdipol was seen with Mr. Yossavaris Chuklom, one of the core UDD leaders, among the demonstrators near the base of the Phrapinklao Bridge on the Thonburi side of the river. This was the same time that demonstrators seized weapons from soldiers on the bridge. Later that evening, before the incident in front of Satri Wittaya School, people saw Maj. Gen. Khattiya in front of the MacDonald's restaurant at the Democracy Monument traffic circle. Then, at around 10:00 p.m., after the incident, a foreign journalist saw Maj. Gen. Khattiya get out of a dark blue Volkswagen van in front of the MacDonald's and walk into Dinso Road. Additionally, on 11 April, in the late afternoon and evening, Maj. Gen. Khattiya went to inspect the sites where the incidents occurred at

¹⁵³ Sub-committee meeting on the handling of the crowd: prevention of the use of violence, efficient crowd control and rules of engagement, 22 May 2012.

¹⁵⁴ From video footage time-stamped around 20:40 of the stage at Panfah Bridge showing speakers including Mr. Suporn Atthawong (Rambo Isan)

¹⁵⁵ Information given by Col. Thammanoon Vithi to the TRCT on 15 February 2011.

¹⁵⁶ Records of information given to the TRCT by Mr. Chaturon Chaisaeng, Truth-Seeking Sub-Commission meeting no. 5/2555, on Friday 10 February 2012, page 317.

the Kok-wua intersection and in front of Satri Wittaya School. Mr. Methee Amornwuthikul accompanied him. During this time, Maj. Gen. Khattiya gave an interview in which he spoke about an unknown force or “ronin warrior” that fired back at the soldiers. Subsequently, security forces detained Mr. Methee, who gave a statement to investigators saying that he was present at the Satri Wittaya School incident because he was in the Democracy Monument area.

2.3.2.11 The Death of Mr. Hiroyuki Muramoto

The incident in front of Satri Wittaya School caused the death of Mr. Hiroyuki Muramoto, a Japanese cameraman with the Reuters news agency. From an examination of video footage taken by Mr. Muramoto and other foreign journalists, it was found that a scuffle took place between the crowd and the army forces before the explosions. Demonstrators threw water bottles and other things at the soldiers, who used shields, batons and tear gas to push back the crowd. The Japanese cameraman mentioned was in the army lines and was taking pictures when the explosion occurred. Afterward, Mr. Muramoto walked out in front toward the demonstrators and turned to take pictures in the direction of a building that stands across from Satri Wittaya. Then he walked at an angle toward the Chalermwanchat Bridge, which is the last picture he took, at around 8:53 p.m. Pictures from a closed-circuit television camera in front of the MacDonald’s restaurant show a group of journalists and other people at about 8:35 p.m. crowding around injured people who were being carried out of Dinso Road. Mr. Muramoto was shot as he stood where the sidewalk and crosswalk meet in front of Satri Wittaya School. Independent foreign forensic science experts in visual imagery concluded that Mr. Muramoto most likely was shot between 20:53:50 and 21:01:34.¹⁵⁷ From examining the wound, a weapons expert was of the opinion that the Japanese journalist might have been shot with a bullet larger than 5.56 millimeters (the size of the bullets used for the army’s M-16 and Tavors rifles).¹⁵⁸ But weapons experts from the Firearms Division of the National Police Headquarters and other countries said the size of the bullet could not be determined, although they said it was possible that the bullet was larger than 5.53 mm. In any event, there is no evidence as to how the Japanese cameraman was standing or which way he was facing when he was shot, so which direction the bullet came from cannot be determined. Mr. Muramoto fell so that he was lying on his back with his head turned toward Satri Wittaya School, where a sign says the school is

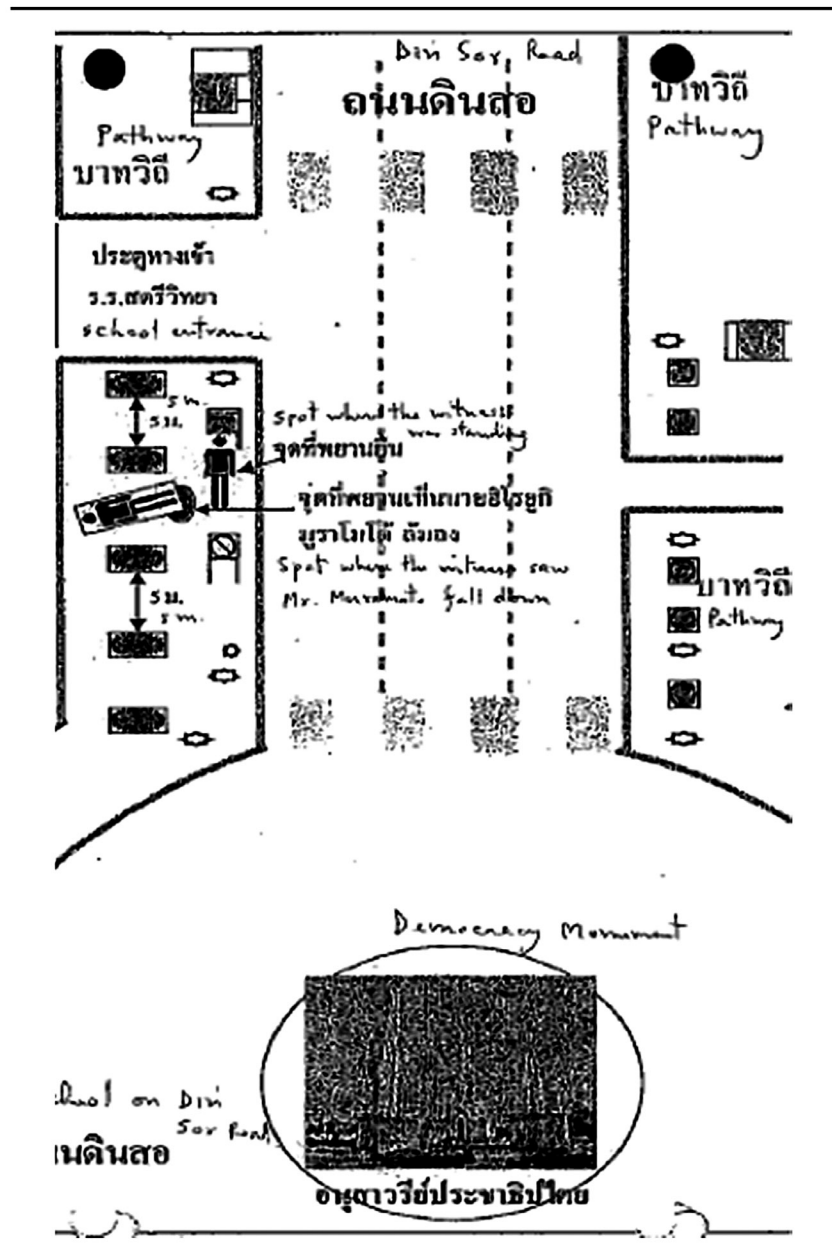
¹⁵⁷ Quentin Milliet, Forensic Imagery Report, 27 June 2011, Case: Death of Mr. Hiroyuki Muramoto on 10 April 2010, page 11.)

¹⁵⁸ The opinion of Police Lt. Gen. Amporn Jarujinda, given to the TRCT on 22 June 2012. Nonetheless, a person who works in the investigation department of the Bangkok Metropolitan Police headquarters who provided information said that based on questioning a forensic doctor, the elasticity of human tissue makes it hard to say what size bullet caused the wound.)

outstanding. “His feet were pointing in the direction of the tall wooden house in back of Dinso Road.”¹⁵⁹ This can be seen in the positional map of the incident made by the Department of Special Investigation, according to Police Sen. Sgt. Maj. Chatri Ussaharam, a witness at the scene. The autopsy determined that the cameraman was shot with a high-velocity bullet that entered his chest on the upper right side and exited through the back of his upper right arm. Mr. Muramoto usually carried his camera on his right shoulder. If the bullet came from the direction of Chalermwanchat Bridge, where soldiers were, Mr. Muramoto would have had to be facing opposite the entrance to Satri Wittaya School, a little toward the bridge. One bullet mark was found in the area of a streetlamp post on the corner of Dinso Road and the Democracy Monument circle, on the Satri Wittaya side. The bullets and firearms investigation group of the Scientific Crime Detection Division and the Forensic Science Institute concluded that the bullet came from a direction across Dinso Road, diagonally toward Chalermwanchat Bridge. There was another bullet mark on a tree branch right in front of the Satri Wittaya “outstanding school” sign. The bullets and firearms investigation group of the Scientific Crime Detection Division of the National Police said it could not determine what type or size of bullet caused the mark, but that it was shot from the direction of the side of Dinso Road opposite Satri Wittaya School.¹⁶⁰ Furthermore, the Forensic Science Institute found a bullet mark on another tree as well as bullet marks on the school wall, and on a phone booth and traffic-sign posts in front of the school. It concluded that these were fired from the corner of Dinso Road in front of Democracy Monument.

¹⁵⁹ Comment from the investigation by the Department of Special Investigation, special case no. 61/2553.)

¹⁶⁰ From analysis of information with officers of the Scientific Crime Detection Division of the National Police.)



Picture 5: The positional map of the incident from testimony by Police Sen. Sgt. Maj. Chatri Ussaharam, an eyewitness. Source: Department of Special Investigation.



Image 2: last image taken from the viewpoint 3 indicated on the Illustration 3 (Appendix 1)

Picture 6: A time comparison of the last video image in the camera of the Japanese cameraman with an image from a closed-circuit video camera (lower left). An independent foreign forensic science expert in visual imagery concluded the time was actually 20:53:72.¹⁶¹

2.3.2.12 The death of Mr. Vasant Phuthong

From examining video clips and questioning people at the incident, it was found that Mr. Vasant Phuthong was shot around the same time and near the same place as the Japanese cameraman. From examining video footage at the time Mr. Vasant was shot, an independent foreign forensic expert in visual imagery concluded that Mr. Vasant was shot at 20:57:08.¹⁶² He was in the area of the crosswalk in front of Satri Wittaya School, after the explosions and after most of the soldiers had withdrawn to Chalermwanchat Bridge. A bullet from an assault rifle

¹⁶¹ Quentin Milliet, Forensic Imagery Report, 19 June 2012 (Updated from the version of 9 July 2012); mandated for the TRCT by the Swiss Expert Pool for Civilian Peacebuilding, page 27.

¹⁶² Quentin Milliet, Forensic Imagery Report, 19 June 2012 (Updated from the version of 9 July 2012); mandated for the TRCT by the Swiss Expert Pool for Civilian Peacebuilding, page 28.

passed through his head from back to front as he was facing the small park beside the MacDonald's restaurant on the edge of the Democracy Monument traffic circle. The bullet came from the direction of Chulalongkorn Bridge, where soldiers were on duty. As soon as Mr. Vasant was shot, he collapsed and fell on his back in the direction of the bridge. From the characteristics of the wound, foreign forensic science experts in weapons and ammunition concluded from photos that characteristics of the wound indicated it was probably made by a large bullet, for example 7.62x51 mm¹⁶³ (7.62 NATO) and that the direction the body fell is probably not related to the path of the bullet.

2.3.2.13 Demonstrators restrict soldiers' movement, seize or damage many weapons and vehicles, and harm injured soldiers

(1) The violence connected with the incident in front of Satri Wittaya School did not stop with the deaths of a number of demonstrators, a Japanese cameraman and soldiers, and injuries to many more. The investigation found that demonstrators also damaged many armored personnel carriers, and some seized guns and other weapons belonging to the state from the army vehicles and displayed them on the UDD stage at Panfah Bridge. These weapons comprised: an assault rifle, 9 M-16 assault rifles, 13 Tavors assault rifles, 10 shotguns, a .45 pistol and some other weapons. It appears that of all those weapons, the state recovered only 1 M-16, which police seized when they searched the SC Park Hotel on 16 April 2010, when they tried to arrest Mr. Arisaman Pongruangrong; a Tavors when they arrested Mr. Methee Amornwuthikul on 22 April 2010; and another Tavors along with 6 ammunition magazines during a search of the Sawasdi Langsuan Inn, which is near the Ratchaprasong intersection, on 27 May 2012.¹⁶⁴ The state has not recovered any more of the weapons besides these.¹⁶⁵ Officers of the Department of Special Investigation inspected the 3 guns and found that they were among the weapons that demonstrators seized from army forces during the incidents in front of Satri Wittaya School and at Democracy Monument.

¹⁶³ The foreign forensic science experts said that since there were no autopsy photos, they were unable to identify the type of bullet, but that from the characteristics of the wound they saw in photos of the body, the bullet likely was larger than 5.56 mm, or 7.62x39 mm [7.62 Soviet, which is the bullet used with AK-47 assault rifles], referenced in Fabiano Riva and Matthieu Glardon, "Forensic Firearms & Ballistics Examination for the TRCT, 21 June 2012, pages 9, 46.

¹⁶⁴ From a press conference conducted by the Bangkok Metropolitan Police Headquarters at which many news agencies reported on a Tavors rifle with 6 ammunition magazines holding 98 bullets. Also displayed were a bayonet that was hidden in a white smock with a Red Cross insignia; a bag that was hidden in the ceiling, which when opened was found to contain a Thai-produced short shotgun; 8 shotgun cartridges; and a woolen cap. Mr. Payap Panket and Mr. Kwanchai Praipana stayed in the hotel during the demonstrations. Reference: <http://archive.voicetv.co.th/content/14044/%E0>, and <http://www.manager.co.th/Crime/ViewNews.aspx?NewsID=9530000073347> 27 May 2010.

¹⁶⁵ From a table summarizing information on the missing weapons case, among information and documents on the case collected from the Department of Special Investigation when it provided information on 18 May 2012, and from checking information with investigators in the case on 16 June 2012 [Checking information by telephone about the weapon that was seized along with Mr. Methee Amornwuthikul]

(2) Soldiers who were injured, army doctors, medical staff of Vachira Hospital and volunteer rescue personnel who provided information all agreed that while the army forces were trying to withdraw from Tanao, Khaosan and Dinso roads to their former positions north of the clash sites, many demonstrators blocked the way and surrounded soldiers, attacking and injuring them. Some of the soldiers had to take off their uniforms and change into civilian clothes to avoid being attacked. Some furious demonstrators also pulled injured soldiers out of a transport vehicle and beat them. Other demonstrators surrounded and attacked soldiers who came down from armored personnel carriers after the situation had quieted down. Additionally, demonstrators tried to go into hospitals and search for the bodies of people who had died. At Vachira Hospital they tried to enter the emergency room¹⁶⁶ and they continued on to Thaksin Hospital, to the point that hospital staff had to hide soldiers and send them to other hospitals for treatment.¹⁶⁷ However, some demonstrators tried to discourage these actions and helped injured soldiers instead. It was found that a UDD core leader had made a speech on the Panfah Bridge stage around 8:40 p.m. urging demonstrators to follow up and go to hospitals to look for bodies of people who had died, fearing soldiers would remove the bodies.¹⁶⁸

2.3.2.14 Effects of the incidents at the Kok-wua intersection and in front of Satri Wittaya School

(1) The violent incidents that took place on 10 April played a large part in making the security forces and the UDD demonstrators feel that they were enemies. Each side felt they had been victimized by the violence. The activities of the men in black played a large role in starting and escalating the violence. Their goal was to provoke the soldiers into using their weapons on the crowd so that some people would die.

(2) Following the incidents, the CRES began using the word “terrorists,” charging that terrorists had mixed in with the demonstrators. It also believed that measures allowing security forces to use only crowd-control equipment were no longer sufficient to control the situation. Accordingly it altered its strategy and had the forces station themselves 150 meters from the edge of the demonstration in order to prevent demonstrators from coming close to them. Units were put on alert, and it was found that soldiers armed with rifles with telescopic sights were placed at high points to control the area around where troops were stationed.

¹⁶⁶ This can be seen in video of the incident.

¹⁶⁷ Soldiers injured during the incidents who provided information on 16 March 2012 said they were sent to Thaksin Hospital, but that after demonstrators surrounded the hospital, nurses had to hide them in the delivery room until they could transfer them to Phramongkutklao Hospital later on.)

¹⁶⁸ From video of a speech made by Mr. Suporn Atthawong [Rambo Isan].)

The CRES also gave permission for security forces to use real bullets if necessary to protect themselves and citizens, and on the condition that they act strictly in accordance with the rules of engagement set by the Army Region 1 Headquarters.

(3) During the incidents on 10 April, soldiers were carrying assault rifles and real bullets. After the grenade attacks, soldiers fired real bullets from their assault rifles toward areas where demonstrators were closely packed, resulting in the many bullet marks already mentioned. Many demonstrators were killed or injured by bullets from assault rifles or other high-velocity guns. Demonstrators and journalists found shells from .45 (11 mm) handgun bullets; 7.62 x .51 (NATO) bullets, which are used with SR-25 sniper rifles; and 5.56 mm bullets, which are used with M-16 or Tavors rifles.¹⁶⁹

(4) According to experts in rules of engagement, the attack on the army forces with combat weapons by the men in black mixed in with the demonstrators, and the fact that the forces had no warning, leading to high-ranking officers being wounded and even killed, had a big effect on the soldiers' subsequent actions, leading to confusion and uncontrolled use of weapons.

(5) The men in black used combat weapons first in attacking the soldiers. Before and during the violence, they mixed in with the demonstrators, carrying weapons, but neither the UDD guards nor other demonstrators tried to stop or interfere with their use of weapons. They even received support or cooperation from some of the UDD guards. At around 6 p.m. an announcement from the stage said: "We were able to seize a large number of combat guns from the soldiers, and some people will definitely come to help the demonstrators."¹⁷⁰ The experience of demonstrators in 2009, when soldiers used force and combat weapons to disperse the crowd, even if they only fired in the air, would have reinforced the perception that soldiers would use force to suppress the demonstrators, especially when the army forces brought in armored personnel carriers and carried combat weapons. This made the demonstrators interpret the actions of the men in black who fought the soldiers as helping the demonstrators.

(6) High-ranking officers from the intelligence and security branches explained that news about CRES' operations leaked out, and it is possible that someone connected to the CRES was passing on information to the demonstrators. They said that the UDD core leaders usually knew in advance what the CRES would do, and that the activities of the men in black probably involved preparation and careful planning. It is even possible that they knew in advance the operations plan including the places where the troops and officers would be stationed.

¹⁶⁹ The opinion of both Thai and foreign weapons experts who examined photos of shells collected by demonstrators, believed to have been found in the areas where the April 10th incidents occurred.

¹⁷⁰ Summary of the incident on 10 April 2012 by the command of the 2nd Infantry Regiment, King's Guard, page 17.

(7) Peace activists who were observing the demonstration on 10 April provided information that they met a man who implied he was a private in the army but was off duty that day so he came to serve as a UDD guard. They said: “On days off, soldiers go together with other soldiers and supervise the UDD guards. They stay in the same area with the guards and perform guard duties. Many of them do this.”¹⁷¹

2.3.2.15 It should be noted that on 10 April, the day when the violent incidents at the Kok-wua intersection and in front of Satri Wittaya School occurred, destructive acts also took place at many places in Bangkok and the surrounding area. In the early morning, at around 3:30 a.m., someone fired an M79 grenade over the wall of the Crime Suppression Division at the Central Police Investigation Headquarters. At 8 p.m. an M79 grenade was fired into the Nareesamosorn Building at Government House, but it did not explode. At around 8:15 p.m., another M79 was fired into the Seengachang Room on the 3rd floor of the Thaikhufah Building at Government House, but no one was injured. At around 9 p.m., an explosion occurred at a high-voltage power transmission tower along the Asia Highway in Chiangrak Noi Sub-district, Bang Pa-inn District, Ayutthaya Province. Six C-4 explosive devices had been placed at the tower, which belongs to the Electricity Generating Authority of Thailand. It was damaged but did not fall, because 3 of the devices failed to detonate (as determined by an investigation on 13 April 2012). After midnight, early on 11 April, someone fired an M79 grenade at the house of Col. Songpol Nirasing, causing damage. The house is close to the house of the assistant administrator of the parliament TV station, Channel 5, on Pradipat Road in Bangkok. The CRES surmised that whoever tried to sabotage the high-voltage transmission tower probably was connected to the men in black at the incidents at the Kok-wua intersection and in front of Satri Wittaya School.

2.3.2.16 Some people have made the observation that the presence of so many soldiers in the Kok-wua intersection area and in front of Satri Wittaya School after dark posed a high risk that violence could occur, either through misunderstanding between the demonstrators and the soldiers or through manipulation by a third party, with or without the knowledge or agreement of the core leaders of the demonstration. In any case, the nighttime operations by the security forces were very inappropriate. During the investigation, Mr. Suthep Thaugsuban said in his testimony that the CRES administrator had issued a directive to the Defense Ministry, no. 0407.45/51, that ordered all units to cease operations from 6:15 p.m. onwards. However, the situation was confused and agitated due to the demonstrators and problems that might reflect

171

Academics and peace activists who provided information to the TRCT on 15 June 2012 and provided additional information through telephone interviews on 23 August 2012.

the CRES's communication and command system, and its action plans. Before the soldiers could withdraw back to where they had been stationed, the men in black attacked them in Tanao Road, the Kok-wua intersection and on to the area in front of Satri Wittaya School.

2.3.3 The UDD Ends the Demonstration on Ratchadamneon Avenue and Moves It to the Ratchaprasong Intersection Only, Where the Demonstration Begins to Gain Strength.

2.3.3.1 While part of the UDD continued to demonstrate on Ratchadamnoen Road, another part began demonstrating at the Ratchaprasong intersection on April 3rd, where they announced they would gather for 3 days. But on 4 April they announced that they had changed the plan and that the Ratchaprasong demonstration would continue in parallel with the Ratchadamnoen demonstration until the government dissolved the National Assembly. On 14 April, the UDD announced it was ending the demonstration on Ratchadamneon Avenue and merging it into a single rally in the Ratchaprasong intersection. According to information from Mr. Aree Krainara, head of the UDD guards, the UDD controlled an area around the Ratchaprasong intersection, where the speaking stage was set up, along Ratchadamri and Rama 1 roads. The area under its control along Ratchadamri stretched from the Saladaeng intersection, on the side of the King Rama VI monument, to the Chalermlok Bridge over Saensaep Canal, before the Pratunam intersection. Along Rama 1 Road it controlled the area from the Pathumwan intersection to the Ploenchit intersection. Most of the demonstrators congregated on Ratchadamri in front of the Ratchaprasong stage, which faced in the direction of Pratunam and stood in front of the Central World shopping center. There was a tent for press conferences and journalists, where people also would go to meet UDD core leaders. A container that the UDD core leaders used for meetings and a tent for UDD guards both stood in back of the stage. Demonstrators from various places set up their own tents all along the UDD-controlled parts of Ratchadamri and Rama 1 roads, both on the sidewalks and in the roads. The peak number of demonstrators was estimated to be between 80,000 and 100,000 people.

2.3.3.2 The UDD set up checkpoints to prevent individuals from outside bringing weapons or illegal items into the demonstration, or suspicious characters from entering. On 20 April it set up checkpoints around the area under its control: in the north on Ratchadamri Road on the bridge across Saensaep Canal, near the Pratunam intersection; in the south on Ratchadamri Road at the Saladaeng intersection; in the east on Rama 1 Road at the Ploenchit intersection; and in the west on Rama 1 Road at the Chalermphao and Pathumwan intersections. For this, tents were set up on Ratchadamri and Rama 1 roads. When the CRES stationed security forces on Silom Road at the Saladaeng intersection and along Rama 4 Road opposite Lumpini Park as far as the Samyan intersection, the demonstrators worked together to erect dense barricades of tires, barbed wire and sharp bamboo poles to prevent the CRES from sending the troops in to

disperse the crowd. The UDD began building the barricade at the Saladaeng intersection on 20 April and built barricades in the same style at the Ploenchit, Pathumwan and Chalermpao intersections, and on the Chalermlok Bridge near the Pratunam intersection (hereafter referred to as “the bridge over Saensaep Canal). News programs reported that some UDD guards detained and beat individuals they suspected of having weapons.¹⁷²

2.3.3.3 Beyond the sections of Ratchadamri and Rama 1 roads already detailed, the UDD demonstrators had other areas under their influence. These included Sarasin Road and some of the buildings along it including the Kian-nguan Building, Langsuan Road and Pathumwanaram Temple, where demonstrators stayed and used facilities. As for Lumpini Park, a high-ranking police officer who was designated to coordinate with the UDD¹⁷³ provided the following information: The police had increased their presence in the park but withdrew after the demonstrators expanded to the Saladaeng intersection, including the King Rama 6 Monument plaza, and a group of muscular UDD guards went into the park and started using the area. The police moved their operations to the bottom floor of Chulalongkorn Hospital.

2.3.3.4 Some of the UDD core leaders thought to expand the demonstration to Silom Road. On 17 April,¹⁷⁴ the CRES prohibited the UDD from expanding to Silom, and on April 18th it took additional measures to control the situation by stationing security forces, both police and army, at points around the demonstration. It wanted to prevent the demonstrators from expanding to other areas, especially Rama 4 Road and Silom Road,¹⁷⁵ considered very important to the nation’s economy, and to prevent a clash with the Silom Residents Group, which formed to oppose the UDD protest. Then, on 27 April, soldiers began setting up checkpoints around the demonstration area. A plan was made to move the checkpoints closer to the Ratchaprasong intersection in order to cut off access to the demonstration. On 10 May, the checkpoints were moved closer to the intersection, and the CRES also stationed forces at elevated spots around the Ratchaprasong demonstration in order to prevent with bad intentions from taking

¹⁷² A department store employee filed a case saying that UDD guards surrounded and beat him, <http://www.thairath.co.th/content/pol/78891>, April 25th; a young man who worked as an interpreter filed a case charging that UDD guards beat and injured him, <http://news.sanook.com/923522/>

¹⁷³ The high-ranking police officer was interviewed on 13 July 2012.

¹⁷⁴ “Bangkok ready to coordinate with police to take care of Silom after mob aims to set up stage,” 18 April 2010, <http://www.komchadluek.net/detail/20100518/55952/>

¹⁷⁵ CRES directive to the Defense Ministry no. 107.45/139, issued 18 April 2010.

advantage of the area.¹⁷⁶ In addition, on 18 April the CRES also supplemented its operational orders concerning the use of weapons by security forces. “Because of the current situation, in which terrorists have hidden themselves among the demonstrators and used weapons/explosive devices against the security forces and innocent people” was the reason it gave. The CRES directed: “All units are to specify a strict do-not-cross line and post a sign or inform the demonstrators of this. If demonstrators try to cross the line, security forces can respond with shields and canes, or, if unable to resist in this way, with water cannons and/or sound blasters. In the event that demonstrators succeed in crossing the line but are not armed, if their numbers are small, they can be detained. If their numbers are large, forces should use tear gas, batons, rubber bullets and warning shots, in that order. If, after following these steps, the demonstrators continue to intrude and the situation is potentially dangerous, the forces are authorized to use weapons as appropriate to the situation, firing real bullets from shotguns and assault rifles, in that order. But if intruders with weapons, such as knives, guns, explosives, etc., cross into the forbidden area, the forces are authorized to skip the steps from tear gas to batons to rubber bullets and use real bullets, based on the decision of the person in command, who would be the commander of the unit responsible for that area or the person he delegates.” In the case of encountering an immediate threat in the form of someone about to shoot a security officer, or use guns or explosives against a security post or important CRES site, “security forces are authorized to shoot the perpetrator in order to stop the threat. But if the perpetrator is mixed in with the demonstrators, so that using weapons would place innocent citizens in danger, then the forces must refrain unless a unit has trained marksmen with sufficient ability to shoot and stop the threat. Otherwise, if a unit spots a target but is unable to shoot, for example if the target is in a shielded location, etc., it can ask for sniper support from the CRES.”¹⁷⁷

2.3.4 28 April 2010: Violence in the Area of the National Memorial

2.3.4.1 The CRES took measures to keep UDD demonstrators who traveled from the provinces from joining the demonstration at the Ratchaprasong intersection, and blocked them in the Talat Thai area to prevent them from entering Bangkok. As a result, Mr. Kwanchai Praipana, a UDD core leader, led a motorcade of pickup trucks and motorcycles along with 1,000 people from Ratchaprasong to Talat Thai in order to lend support to the UDD group blockaded there. But when the UDD motorcade reached the area in front of the National Memorial

¹⁷⁶ CRES directives to the Defense Ministry nos. 107.45/139, issued 18 April 2010, and 1407.45/296, issued on 26 April 2010. (The army has not yet provided details on the places where forces were stationed.)

¹⁷⁷ CRES directive to the Defense Ministry no. 04707.45 (SorYorKor.)/130, issued on 18 April 2010, as referenced in explanatory documents submitted to the TRCT by Mr. Suthep Thaugsuban on 27 June 2012, pages 131-132.

on Viphavadi-Rangsit Road, at around 3 p.m., army and police forces armed with shotguns cut them off and fired rubber bullets at them. It was also found that some of the security forces used assault rifles to fire real bullets in the direction of the demonstrators too. Security force members who provided information said the real bullets were fired in the air. This made the demonstrators turn around and go back. The encounter resulted in the death of Pvt. Narongrit Sala of the 9th Infantry Regiment. Of the 19 people who were injured, 17 were demonstrators, of whom 3 were injured by real bullets. The other 3 were soldiers who were injured in the scuffle between the two sides before Pvt. Narongrit Sala was shot.

2.3.4.2 The security forces performing their duty that day had crowd-control equipment as well as assault rifles with real bullets. As for the demonstrators, they used stones, slingshots, wood and “ping pong” bombs to harm the security forces for about 2 hours before Pvt. Narongrit was shot. Photos showed a man wearing a black shirt and facemask and carrying a handgun among the demonstrators on Viphavadi-Rangsit Road. Additionally, on the same day, security forces also searched and seized a motorcycle in which they found 62 M79 grenades. They found it on Viphavadi-Rangsit Road in front of the Tupatemi Sports Field, near to where the clash occurred. In the motorcycle they also found the identity card of a police officer of the Khukhot District police station in Pathum Thani Province, who was later arrested with a large cache of combat weapons, including AK-47 assault rifles with ammunition magazines and barrel-type M79 grenade launchers.

2.3.4.3 Concerning the death of Pvt. Narongrit Sala. The investigation found that Pvt. Narongrit Sala was shot at around 3:30 p.m., while riding on the back of a motorcycle that was part of an army rapid-response unit heading toward the army and police lines on the outward-bound lanes of Viphavadi-Rangsit Road. He was shot with a size 5.56 bullet¹⁷⁸ that penetrated his steel helmet and entered near his left temple. Bullet fragment were found buried in his head, and bullet marks were found on the motorcycle seat. The bullet was travelling from left to right, angled a little from the front to the back. Indications are that it was fired from the security force ranks on the left-hand side of outward-bound Viphavadi-Rangsit Road. The forces probably mistook the motorcycle rapid-response unit in which Pvt. Narongrit was travelling, and which was headed toward the security force lines, as a group of demonstrators. At the time of the shooting, visibility was not good because of rain, and there was a lack of clear communication.¹⁷⁹

¹⁷⁸ This size of bullet, 5.56 mm [223], can be used with M-16 of Tavors rifles.

¹⁷⁹ Evidence comes from witness testimony in the autopsy report of the Department of Special Investigation and video footage of the incident.

2.3.5 13 April – 13 May 2010: Violence in the Area of Saladaeng Intersection Before the CRES Blockaded the Demonstration area

2.3.5.1 From 13 April 2010, when the UDD set up the stage at the Ratchaprasong intersection demonstration, until 13 May 2010, when the CRES began blockading the demonstration area, many violent incidents occurred, especially in the area of the Saladaeng Intersection and nearby areas on Silom and Rama 4 roads. These caused the death of 1 civilian, who was a member of the Silom Residents Group of demonstrators, and 2 police. Many civilians and members of the security forces were injured as well.

2.3.5.2 The UDD's occupation of Ratchadamri Road as far as the Saladaeng intersection for its demonstration, with some protest marches on Silom Road too, affected people living and working in the area. It affected business during the day and at night. People living in the Silom area began to organize under the name "Silom Residents Group." They rallied on Silom Road to oppose the UDD demonstration, which occupied Ratchadamri Road in the Saladaeng area. A clash took place on April 21 between a UDD group and the Silom Residents Group, in the Saladaeng area. Even though police tried to prevent a clash, threw things at and verbally abused each other. The UDD protesters used makeshift weapons, shooting marbles from slingshots and throwing giant firecrackers at the Silom group. This injured some Silom Residents Group members and a foreign tourist.¹⁸⁰ The tension at the Saladaeng intersection between the Silom Residents Group and the UDD demonstrators kept increasing. On April 22 at about 8:30 p.m. someone fired 5 M79 grenades. Three landed on the roof of the Saladaeng BTS elevated railway station, and the others landed on the second level of the sky walk connecting the station with shopping venues, and in front of the Bank of Ayudhya's Zuellig House branch.¹⁸¹ Fragments from the explosions injured a total of 83 people. This number includes 1 person who died, Ms. Thanyanant Thaeptong, 50, a member of the Silom Residents Group.¹⁸² There is a high probability that the M79 grenades were fired from the direction of Lumpini Park or the King Rama VI Monument plaza.

¹⁸⁰ "Red Shirts-Silom Residents confront, throw things at each other," Thairat newspaper, 21 April 2010, <https://www.thairath.co.th/content/pol/78254>, and information from observers at the demonstrations between April and December 2010.

¹⁸¹ Press conference by Col. Sansun Kaewkamnut, CRES spokesperson, April 2010.

¹⁸² On 23 April 2010 at 08:30, Dr. Phetpong Kamjonkitchagar, administrator of the Bangkok Emergency Medical Services Center, or Erawan Center, reported the number of people injured or killed in the explosions at the Saladaeng intersection on the evening of 22 April as 83, including the person who died, Ms. Thanyanant Thaeptong, aged 50. Doctors had sent most of the other injured people home by then, but several people were still being treated in hospitals: 4 people at Bangkok Christian Hospital, 9 people at Lersin Hospital, 10 people at Chulalongkorn Hospital, 2 people at St. Louis Hospital, and 1 person each at the Mongkutklao, BMS, Police and Hua Chiao hospitals.

2.3.5.3 An incident took place on 29 April 2010 at around 7:00 p.m., when Mr. Payap Panket, a UDD core leader, and about 500 demonstrators blockaded Chulalongkorn Hospital and went inside to search it. They claimed that soldiers were hiding on top of the building. The incident created so much fear and anxiety among the patients, their relatives and the hospital staff, that patients were hurriedly transferred elsewhere.¹⁸³ Chulalongkorn Hospital said in statement no. 3, issued on April 30th: “We absolutely guarantee that the hospital has never asked for nor allowed police forces, army forces or anyone else to stay in or hide inside hospital buildings.” The hospital had to stop outpatient services, stop accepting new patients and cancel all surgeries, for the safety of its staff and to prepare for an emergency situation. In any event, the hospital continued to provide emergency services, but had to move these to the Jangoklanee Building.¹⁸⁴ On the same day, the UDD core leaders made a stage announcement apologizing for the incursion into the hospital, removed the barricade and opened part of Ratchadamri Road, up to the area in front of the hospital’s Sor Kor (Queen Sirikit) Building¹⁸⁵ to provide a way in and out of the hospital on the Ratchadamri Road side. Before all of this, on 23 April, a group of UDD demonstrators had asked the hospital security personnel to let them go up and search the building, but they did not find anyone hiding in it.¹⁸⁶ In addition, a report by the Physicians for Human Rights organization pointed out that UDD guards continued to search vehicles entering and leaving the hospital, sometimes including ambulances, out of fear that weapons were being transported, but they did not find anything. Some hospital employees also reported that groups of UDD demonstrators threatened them. On April 26th, about 60 UDD demonstrators went into the hospital and asked to search it, but police officers went in and talked to them, and they turned around and left. The report further noted that the hospital asked state officials for more protection, but was refused with the explanation that no more protection could be provided than was already in place. It also said that a doctor discovered a tank of liquid propane about 50 meters in front of the emergency room.¹⁸⁷ Another report, by the Human Rights Watch organization, said that during the period April 23 - 29, UDD guards entered and searched the hospital every night.¹⁸⁸

¹⁸³ Chulalongkorn Hospital statement no. 4, issued on 2 May 2010, concerning the transfer of patients.

¹⁸⁴ Chulalongkorn Hospital statement no. 3, issued on 30 April 2010.

¹⁸⁵ Chulalongkorn Hospital statement no. 5, issued on 2 May 2010.

¹⁸⁶ A Chulalongkorn Hospital statement, “Chula Administrator asks for cooperation from demonstrators,” issued on 24 April 2010.

¹⁸⁷ “Hospital Staff Upholds International Medical Ethics During Unrest in Bangkok,” a briefing paper by Physicians for Human Rights, May 2011.

¹⁸⁸ Human Rights Watch’s World Report 2011: Thailand, <http://www.hrw.org/world-report-2011/thailand>

2.3.5.4 On 7 May 2010 at around 11 p.m., shots were fired toward the Zuellig House building. As a result, 1 person, Police Sgt. Kannupan Loetchanpen, who was on duty there, died after being hit by a high-velocity bullet. That same night, at about 1a.m. (of 8 May), M79 grenades were fired into the joint police-army checkpoint on Rama 4 Road in the area of Lumpini Park entrance #3, across from the Ejueliang Building. Three explosions occurred. The Bangkok Emergency Medical Services Center (Erawan Center) put the number of casualties at 8. Among them, Police Sgt. Maj. Wittaya Promsamlee died and 4 other police officers were wounded: Sen.Sgt. Maj. Kiatsak Insaptawee, Lance Corp. Nattakant Panoi, Sgt. Maj. Kasem Kaewkul and Sen. Sgt. Maj. Chusak Saengyen. Three soldiers were wounded: Master Sgt. 1st Class Mongkol Bumuangpak, Pvt. Pirasak Burathani and Pvt. Narongchai Nittayakul. All three were with the Surathampithak Protection Camp, based in Nakhon Ratchasima Province.

2.3.5.5 During investigation of the site of the incident detailed in 2.3.5.4, officers of the Forensic Science Institute found 2 bullet marks on the front windows of the Krung Thai Bank's Zuellig House branch, on Silom Road. They believe the marks were made by high-velocity bullets around the 5.56 size that were shot from the direction of the Saladaeng intersection. Traces of 50 mm ordnance (M79 grenade) were found around utility poles and trees near Lumpini Park entrance #3 on Rama 4 Road, and on the surface of Rama 4 Road, on the side heading toward the Sathorn intersection. It is possible that the direction of fire was from Rama 4 Road, either the side heading toward the Sathorn intersection, from in front of Lumpini Park, or the side heading toward the Saladaeng intersection, from the area of the former Olympia Building or the Thai Life Insurance building. This is consistent with information from interviewing people involved in the incident. It is credible that the firing of combat weapons and the M79 grenades came from the area of the King Rama VI plaza or Lumpini Park, which were under the control of UDD demonstrators. In addition, at the time of the incident, members of the "Arintharach 191" police S.W.A.T. unit headed by Lieutenant General Aswin Khwanmuang, assistant to the National Police Chief, discovered an M79 grenade launcher in a bathroom at the Suan Lum Night Bazaar. Furthermore, a video clip of unknown origin surfaced of a man in black whom weapons experts considered to be firing an M79 grenade. The daytime video showed the man in the area under the Thai-Japan Bridge, in front of the Dusit Thani Hotel, firing toward Silom Road.¹⁸⁹

¹⁸⁹ The weapons expert, who gave his opinion from viewing the video, was interviewed on June 13th 2012.

2.3.6 The CRES Move to Blockade the UDD Demonstration and Violence During the Blockade from 13 – 18 May 2010

2.3.6.1 On 12 May 2010, the spokesperson for the CRES announced it would take measures to pressure the UDD demonstration. Starting at midnight, it would cut off water, electricity and telephone service, and withhold public services including buses, the elevated train and boat service on the Saensaeap Canal throughout the entire area of the demonstration. It would also close off entrances to the area, including support and supply routes.¹⁹⁰ It asked the UDD demonstrators to leave the area. By order of the CRES, payments for electricity service and public transportation¹⁹¹ were to stop as of 6:00 p.m. on May 13th 2010. As a result, the cutting off of electricity was the reason why closed-circuit cameras in the Central World shopping mall¹⁹² and the elevated train station, and closed-circuit cameras operated by the city in the area did not work.

2.3.6.2 The CRES ordered the security forces to station additional personnel to completely seal off the demonstration area from 7 p.m. on 13 May 2010 onward, so that demonstrators could not enter the area but could leave. Along with this it announced: “When tightening the perimeter, it is possible that terrorists in the area might move to engage the security forces. It is important that the forces act according to international principles, proceeding from light to heavy in three steps. As for the use of weapons with real bullets, in the form of assault rifles already issued such as Tavors and M-16 guns, these can be used in 3 situations: 1) to fire warning shots in the air; 2) shoot to protect security personnel being attacked with an intention to kill; and 3) shoot individuals carrying weapons in their hand, whether guns or explosive devices. Besides this, there is another class of personnel, marksmen, who have a responsibility to watch out for and shoot terrorists who have weapons.”¹⁹³ In line with this, security personnel

¹⁹⁰ “CRES announces it will cut water, electricity, telephone to Reds at Ratchaprasong, send signal for parliament to disperse the mob, confident peace will be restored before school term opens,” 12 May 2010, http://www.matichon.co.th/news_detail.php?newsid=1273639937&gpuid=oo&catid=

¹⁹¹ Directive no. 0407.45/384 to the Defense Ministry on stopping services to certain areas, directive no. 0407.45/386 to the Defense Ministry on stopping services to certain areas, directive no. 0407.45/383 to the Defense Ministry on withholding waterway transportation services, directive no. 0407.45/381 to the Defense Ministry on stopping payment for electricity service to certain areas.

¹⁹² Security personnel of the Central World shopping complex testified that cutting off water and electricity made it impossible for the CCTV cameras to work.

¹⁹³ See the CRES directive already referenced in point 2.3.4.

will not have weapons heavier than these. No grenades, M79 ordnance or guns beyond these will be used.”¹⁹⁴

2.3.6.3 On 14 May 2010, soldiers began to seal off the demonstration and regain control of the Ratchaprasong area. They took up positions to block all access to the intersection: from the Ratchathewi intersection all along Phetburi Road to the expressway entrance; from the expressway entrance all along Withayu Road to the Withayu intersection; up Rama 4 Road to the Samyan intersection; and from there along Phayathai Road back to the Ratchathewi intersection. These forces were kept in place until 19 May. Following a withdrawal on 22 May, security forces were stationed in 3 main spots: 1) On Ratchaprarop Road from the Airport Link elevated train station north to the Esso petrol station¹⁹⁵ on Rama 4 Road from the Thai-Belgian Bridge east to the PTT petrol station in the Bonkai area, around the Saladaeng and Henri Dunant intersections, and on Withayu Road from the Thai-Belgian Bridge intersection (the former Withayu traffic circle) north to the area in front of the Suan Lum Night Bazaar, near the Japanese Embassy; and 3) on Sukhumvit-Rama1 Road around the Ploenchit and Pathumwan intersections.

2.3.7 Death of Maj. Gen. Khattiya Sawasdipol on 13 May 2010

2.3.7.1 On 13 May 2010, after the CRES announced it would seal off the UDD demonstration area by cutting off water and electricity, halting public transportation and not allowing demonstrators to enter the area, Maj. Gen. Khattiya Sawasdipol (Seh Daeng) was fatally shot in the head with a combat rifle at about 7 p.m. He was shot at the Silom station of the Mahanakorn underground train line, by the lift for disabled people at the station entrance on the Lumpini Park side, near the King Rama VI Monument plaza. Maj. Gen. Khattiya was taken to Hua Chiao Hospital before being sent for treatment at Vachira Hospital. He died 4 days later. Investigation found that on 13 May, he was not wearing a bulletproof vest.¹⁹⁶

2.3.7.2 Even though the UDD had announced that Maj. Gen. Khattiya was not involved with the UDD, it appears that some UDD core leaders and some sections of the UDD guards had close relationships with him. The general played a large role in the UDD demonstration, particularly with the guards. Maj. Gen. Khattiya also addressed the rally once, during which he spoke about the “triple gem” of the struggle as being political parties, the masses and armed

¹⁹⁴ “CRES begins invasion! Cuts water-electricity-phone-closes streets-withholds public transportation at 6 p.m., along with using real bullets,” 13 May 2010, http://www.matichon.co.th/news_detail.php?newsid=1273728001&grpId=00&catId

¹⁹⁵ Now a Caltex petrol station at the beginning of Soi Rangnam; 2

¹⁹⁶ Ms. Khattiyah Sawasdipol confirmed that Maj. Gen. Khattiya did not wear a bulletproof vest while he was at the demonstration and had told her, “Since none of the regular people have bulletproof vests, how can I wear one?”, 2 June 2011. The autopsy found only 1 bullet hole, in the head, so he was not shot in the chest, noted by Dr. Tul, who provided information on 6 July 2012.

forces, and he spoke publicly many times about the men in black, or “ronin warriors.” He elaborated on the unknown forces many times in interviews with the mainstream media as well as media that supported the UDD. As well, Maj. Gen. Khattiya was able to enter and leave the demonstration, and move around within it freely. And he would walk around inspecting the barricades that the UDD erected around the demonstration site at the Ratchaprasong, Saladaeng and Chalermpao intersections. Several suspects admitted during questioning that they had used combat weapons and that they were close to Maj. Gen. Khattiya. However, later the same suspects denied in court that they had done anything wrong.

2.3.7.3 The UDD guards respected Maj. Gen. Khattiya. Some thought of him as a very high-ranking officer who came to protect the demonstrators and fight against the soldiers, who were using force to suppress the people. In line with this, Maj. Gen. Khattiya set up and trained a group of strong men called “Nakrop Phrajaotak” to safeguard the demonstration. The group was set up before the violent incidents in April, which the UDD called the “Bloody April” incidents. It charged that the government of Prime Minister Abhisit Vejjajiva used the parliament to suppress the demonstrators, causing many people to die, be injured or disappear. Based on the incidents mentioned, Maj. Gen. Khattiya believed that the UDD needed an armed force that could defeat the government, an opinion that he expressed to the UDD core leaders and Police Lt. Gen. Thaksin Shinawatra. But the majority of the UDD leaders did not want to take on this role. Additionally, when news came out that the government and a group of UDD leaders around Veera Musikapong had reached an agreement to proceed with the reconciliation plan proposed by Prime Minister Abhisit, Maj. Gen. Khattiya came out against this and announced that a second UDD core group was ready to lead the demonstrators if the core leadership accepted the government’s reconciliation plan, called an end to the demonstration and surrendered to fight court cases.

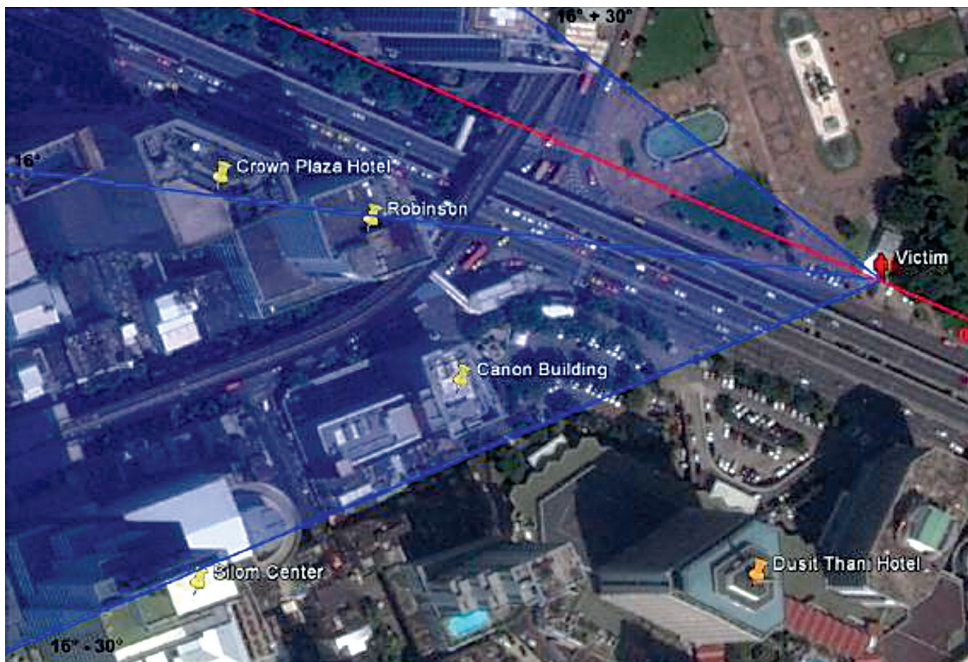
2.3.7.4 In the opinion of independent foreign weapons and ammunition experts, Maj. Gen. Khattiya was shot with a high-velocity bullet from a combat rifle fired from a distance. But they could not positively identify what kind of bullet it was, since the wound depends on the distance from which the bullet is fired. In this case they said the wound could have been caused by a bullet of the 5.56 mm NATO or 7.62 mm Soviet kind if it was fired from a distance of at least 200 m. But if it was fired from a shorter distance, it might have been a 5.7 x 28 mm bullet from a P90 gun.¹⁹⁷ Similarly, the Central Scientific Crime Detection Division was unable to determine whether the bullet was a .308 Winchester or a 5.7 x 28 mm P90 bullet. Maj.Gen.Khattiya

¹⁹⁷ Fabiano Riva and Matthieu Glardon, *Forensic Firearms & Ballistics Examination for the TRCT*, 21 June 2012, page 28.

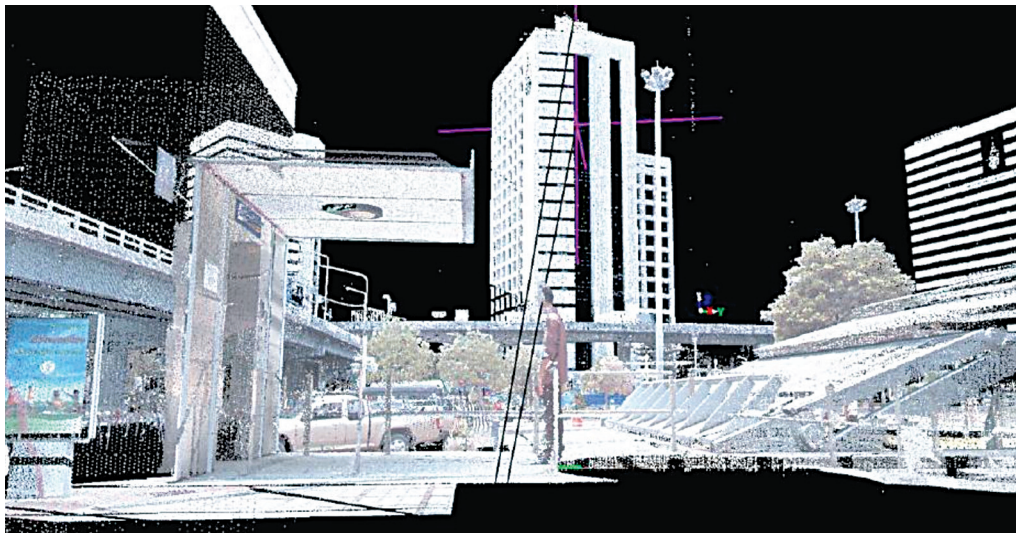
was shot as he was giving an interview to the mass media, standing at the Silom station of the Mahanakorn underground train line, in front of the lift for disabled people at the station entrance on the Lumpini Park side, near the King Rama VI Monument plaza. He was facing Rama 4 Road. The investigation conducted by the Forensic Science Institute concluded that the bullet could have been fired from a location no less than 60 m high, for example Chulalongkorn Hospital's Phor Por Ror Building.¹⁹⁸ Thai and foreign experts agreed the bullet could have come from a tall building to the west of where Maj. Gen. Khattiya was standing, for example the Silom Center building (the former Robinson building), the Crown Plaza building and Chulalongkorn Hospital's Phor Por Ror Building.¹⁹⁹ According to the experts, the greatest probability was that it came from the Silom Center building. All the buildings mentioned are in the area that was under the control of the security forces from 18 April, after the CRES ordered the forces to control the situation on Silom Road, the Dusit Thani Hotel side of Rama 4 Road, Chulalongkorn Hospital and the Henri Dunant intersection. At the same time it ordered the forces to take control of elevated locations around the spots where the forces were stationed and around the Ratchaprasong intersection. In addition, at the time of the incident, security forces were based in and operating out of several tall buildings nearby, such as the Chan Issara Building, CP Tower and others.

¹⁹⁸ Report no. 1498/2553 by the team that investigated the site of the incident from the Office of Site Investigation, Forensic Science Institute.

¹⁹⁹ The opinion of officers with the Central Scientific Crime Detection Division, interviewed on 13 June 2012, and foreign experts in weapons and ammunition.



Picture 7: (from Google Earth): This picture by a foreign weapons and ammunition expert shows the site of the incident and tall buildings to the west of the spot where Maj. Gen. Khattita Sawasdipol was shot in the Silom area. The blue area is calculated on the basis of his head being turned at an angle of up to 30 degrees. The red line shows the direction the bullet would have come from if Maj. Gen. Khattiya was facing Rama 4 Road.²⁰⁰



Picture 8: This picture shows bullet paths in the case of the death of Maj. Gen. Khattiya Sawasdipol. The bullet paths were simulated by the Forensic Science Institute based on the position in which

²⁰⁰ Fabiano Riva and Matthieu Glardon, *Forensic Firearms & Ballistics Examination for the TRCT*, 21 June 2012, page 28.

Maj. Gen. Khattiya was standing in a photo someone took at 6:56 p.m. on the day of the incident.²⁰¹

2.3.7.5 Immediately after Maj. Gen. Khattiya was shot, a foreign journalist saw 3 people, one of whom was carrying a combat weapon. The other 2 people went and grabbed combat rifles from a black bag inside a tent in the King Rama VI Monument plaza. One of them used one of the combat rifles to shoot toward Chulalongkorn Hospital. Sometime later police arrested a suspect who admitted during questioning that he was an associate of Maj. Gen. Khattiya and had used a Tavors assault rifle to shoot toward the Dusit Thani Hotel after the general was shot.²⁰²

2.3.7.6 Investigation shows that the CRES ordered an increased deployment of security forces to seal off the UDD demonstration from 7 p.m. on 13 May 2010, the day that Maj. Gen. Khattiya was assassinated. There were also orders to cut off the electricity and to stop the underground and elevated train service from 6 p.m. The officer in charge of the security forces at the Saladaeng intersection received the orders at around 8 p.m., after Maj. Gen. Khattiya had been shot.²⁰³ Some intelligence and security experts,²⁰⁴ and a senior army officer,²⁰⁵ observed that the death of Maj. Gen. Khattiya might have been part of the operational plan to seal off and reduce the area of the demonstration.²⁰⁶

2.3.7.7 It must be noted that Maj. Gen. Khattiya Sawasdipol was a senior military officer with a general's rank on active duty who opposed the government and the army commander openly and continually, with both words and actions. From checking with a judge advocate who was involved in fact-finding regarding disciplinary action against Maj. Gen. Khattiya, it was found that no law exists granting the military power to take punitive disciplinary action against an officer with general's rank, such as imprisonment. A military disciplinary and criminal fact-finding committee ruled that Maj. Gen. Khattiya Sawasdipol had committed serious breaches of discipline and directed the army to discharge him and strip him of his rank. Since it found that Maj. Gen. Khattiya had also committed offenses against military criminal law, it forwarded the case

²⁰¹ Picture included with report no. 1498/2553 by the team that investigated the site of the incident from the Office of Site Investigation, Forensic Science Institute.

²⁰² The suspect was Mr. Surachai Thevarat (Rang). He was detained based on arrest warrant no. 1053/2553, which the Criminal Court issued on 19 May 2010.

²⁰³ From interviews with soldiers who were on duty in the Saladaeng area that night or in Bonkai during 14-19 May 2010. The interviews were conducted on 26 April 2012.

²⁰⁴ From information provided by a high-ranking security official on 8 June 2012 and an interview with a high-ranking intelligence official on 6 June 2012.

²⁰⁵ From an interview with a weapons expert on 13 June 2012.

²⁰⁶ From information provided by a high-ranking security official on 8 June 2012 and an interview with a high-ranking intelligence official on June 6th 2012. THIS FOOTNOTE REPEATS FOOTNOTE #204.

to the Military Prosecutor's Office to bring criminal charges against Maj. Gen. Khattiya in the Military Criminal Court, but he died beforehand so the case was dropped.

2.3.8 Smaller Demonstrations and Violence Outside the Security Force Blockade

2.3.8.1 Throughout the period when the demonstration was sealed off, from 13 – 18 May, smaller gatherings took place outside the blockaded area, especially along Rama 4 Road in the Khlong Toey and Bonkai areas, on Withayu Road, and along Ratchaprarop Road to the Dindaeng triangle and Victory Monument. These demonstrators tried to break the blockade and harassed the security forces.

2.3.8.2 It was found that soldiers used shotguns with real bullets as well as rubber bullets, as well as assault rifles with real bullets while performing their duty. On 14 May, they also used shields and batons, although the CRES had changed tactics following the 10 April incidents and directed that security forces not engage the demonstrators at close range. As a result, during the blockade, the forces stationed themselves about 150 meters from the demonstrators, erected barricades and took control of elevated locations around their positions.²⁰⁷ On 15 May, they also put up signs declaring a real-bullet zone. The CRES pointed out that there was no directive to mark out a real-bullet zone, but that the forces did this on their own to warn demonstrators and other people not to enter the area. Demonstrators had used makeshift weapons such as firecrackers, large fireworks and slingshots as well as homemade weapons such as PVC pipe bombs filled with sharp objects, "ping-pong bombs and firebombs, and even handguns to fight security forces. Additionally, demonstrators had built protective barriers and barricades of tires, and set the tires on fire, which continually produced black smoke that concealed them. And the men in black had attacked soldiers with combat rifles and grenades.

2.3.8.3 During the blockade of the demonstration site (after the incident in which Maj. Gen. Khattiya Sawasdipol was shot), from the night of 13 May until 18 May, violent incidents took place in many locations in Bangkok. These resulted in the deaths of 45 people. Two soldiers died and 43 civilians, among whom were people demonstrating outside the blockade site, people watching the demonstrations, volunteer medical workers, volunteer rescue workers and local residents. Of the 45 deaths, 22 occurred in the Saladaeng-Silom-Lumpini Park-Rama 4-Bonkai area, and 23 in the area including Ratchaprarop Road, the Makkasan intersection,

²⁰⁷ The directive specified protective measures the security forces were to take in performing their duties, following upon the incidents on 10 April 2010, when security force lines were attacked by armed groups, men in black with long-range weapons, and missiles. The forces were directed to keep a distance of 150 m between them and the demonstrators and erect barricades to prevent face-to-face confrontations, and to deploy personnel to control elevated locations around their positions.

Rangnam Street, the Dindaeng triangle and Phaholyothin 2/1 Lane. Many civilians and some soldiers were injured. No evidence was found that any bodies had been taken away as part of a cover-up.

2.3.9 Violence in the Saladaeng-Silom-Lumpini Park-Rama 4 Road-Bonkai-Withayu Road Area During the Blockade from 13 – 18 May 2010

2.3.9.1 Violent incidents in the Saladaeng-Silom-Lumpini Park-Rama 4 Road-Bonkai-Withayu Road area increased from the night of 13 May, after Maj. Gen. Khattiya Sawasdipol was shot and the CRES began sealing off the UDD demonstration area, until 18 May, the day before the action to make the protest area smaller. Incidents during the blockade caused the deaths of 22 people,²⁰⁸ one of them a soldier. One of the 21 civilians who died was a volunteer rescue worker, who was shot near the beginning of Ngamduplee Street off of Rama 4 Road, across from the Bonkai community. Two bodies were found near the lake in Lumpini Park late in the morning of 14 May.²⁰⁹ Also on 14 May, a demonstrator was shot in the King Rama VI Monument plaza.²¹⁰ The other civilians who died were protesters and residents of communities in the Rama 4-Bonkai area, most of whom had been shot with high-velocity bullets. But it should be noted that in the opinion of weapons experts who examined photos of bullet fragments that investigators said they found in the bodies, some of the fragments were from .22 bullets (Magnum .22 LR), which soldiers did not use while performing their duty.²¹¹

2.3.9.2 After the UDD moved the demonstration to the Ratchaprasong intersection and expanded the area under its control along Ratchadamri Road to the Saladaeng intersection, clashes occurred between demonstrators of the UDD and the Silom Residents Group. M79 grenades were fired at the Silom group, which opposed the UDD, on 22 April and security forces on Silom and Rama 4 roads were fired upon many times during April and the beginning of May, as detailed in point 2.3.5. Violent incidents increased after the CRES announced it would seal off the UDD demonstration and Maj. Gen. Khattiya Sawasdipol was shot on 13 May. Late on the night of the 13th an encounter took place between demonstrators and soldiers on Rama 4 Road, near Saladaeng 1 Street, and in the following days up to 18 May, the area affected by violence expanded along Rama 4 Road to the area in front of the former military academy, Bonkai, the beginning of Ngamduplee Street and under the expressway that crosses Rama 4

²⁰⁸ Including Mr. Bunmee Roemsuk and Mr. Tanutas Asawasirimankong, Bonkai residents who died afterward.

²⁰⁹ From interviewing a TV Thai journalist who went with the rescue unit that recovered the bodies. The journalist recalled that the unit was notified late in the morning, and that when they went in, one of the bodies was already rigid while the other was still warm. The interview was conducted on 28 June 2012.

²¹⁰ Mr. Somsak Silarak.

²¹¹ From interviews with Police Lt. Gen. Amporn Jarujinda on 22 June 2012 and with a weapons expert on 23 June 2012.

Road. Violence also occurred in Lumpini Park and on Withayu Road from the Rama 4-Sathorn/Withayu intersection (the area under the Thai-Belgian Bridge) to the Lumpini Police Station.

2.3.9.3 Between 13 – 18 May, culprits fired M79 grenades into the Lumpini, Saladaeng and Silom areas many more times, possibly from Lumpini Park or the Saladaeng intersection:

- On 13 May, an M79 grenade was fired into the Saladaeng intersection area, Silom Road.

- On 14 May, M79 grenades were fired into the Saladaeng intersection area, Silom Road, and at the Silom Tower building.

- On 15 May, 6 M79 grenades were fired at the police flats at the Lumpini Police Station, of which 3 exploded and 3 did not explode. This incident injured 5 people. People saw a man carrying an M79 grenade launcher in the area of the Sarasin intersection²¹² and a suspect was arrested who admitted during questioning that he was the person who fired M79 grenades at the Lumpini Metropolitan Police station on the day of the incident.²¹³

- On 17 May, M79 grenades were fired at the Dusit Thani Hotel and the Eujueliang Building.

- On 18 May, an M79 grenade was fired onto Withayu Road, in front of the Japanese Embassy.

2.3.9.4 Death of Mr. Chatchai Salao

Violent incidents on Rama 4 Road and at the Saladaeng intersection increased after Maj. Gen. Khattiya Sawasdiapol was shot. Late at night on 13 May, at around 10:50 p.m., an encounter took place between demonstrators on Rama 4 Road, near the base of the Thai-Belgian Bridge before Saladaeng 1 Street, and soldiers armed with combat rifles, shotguns, real bullets, blanks and rubber bullets, who were on duty in front of the Eujueliang Building on Rama 4 Road. Soldiers with combat rifles were stationed in the area of and on the pedestrian bridge across the road in front of the Eujueliang Building, along the Lumpini Park side of Rama 4 Road and near Saladaeng 1 Street.²¹⁴ One person died as a result of the incident, Mr. Chatchai Salao. He was killed by a high-velocity bullet that struck his head while he was in the area in front of the Krissana Marketing Co., Ltd., about 20 meters from the beginning of Saladeang 1 Street. A lead bullet

²¹² Kropkruakao 3, “Plan to shoot M79s at Lumpini Police Station – Makawan Bridge,” 2 December 2010, [http://www.krobkruakao.com/News/30393/Plan to shoot M79 at Lumpini Police Station.html-Makawan Bridge.html](http://www.krobkruakao.com/News/30393/Plan%20to%20shoot%20M79%20at%20Lumpini%20Police%20Station.html-Makawan%20Bridge.html)

²¹³ An officer of the Lumpini Police station provided information that six M79 grenades were fired into the station and three exploded, damaging seven vehicles and wounding five people.

²¹⁴ Report on the full autopsy investigation no. Chor 10/2010, National Police Headquarters.

fragment was found at the site of the incident, but too little was left to be able to identify the type of bullet. Along with video footage of the encounter, a photo showed Mr. Chatchai filming with a video camera with his head turned toward Saladaeng 1 Street. According to the autopsy results, the bullet entry wound on the right side of his forehead had a diameter of 0.5 cm, and the exit wound was on the left side of the back of his head such that the bullet travelled from front to back, top to bottom, right to left. From analyzing the path of the bullet, it is possible that it was shot from the outbound side of Rama 4 Road, the area in front of Lumpini Park entrance #3, or from the inbound side of the pedestrian bridge, heading toward the Saladaeng intersection.²¹⁵ The bullet marks on the roll-down metal door of Krissana Marketing Co. Ltd. also indicate the bullet was shot from the area of the Saladaeng intersection on Rama 4 Road, where soldiers were on duty.

²¹⁵ Report on the site investigation of security-related cases, Report no. CSI-S-5309-51, Site Investigation Office, Forensic Science Institute.



Picture 9: This picture shows the simulated path of the bullet (green line) in the area in front of Krissana Marketing Co. Ltd., where Mr. Chatchai Salao was shot to death as in point 2.3.9.4.

2.3.9.5 Violence in the areas of Bonkai, Rama 4 Road and Withayu Road

(1) On 14 May 2010 at around 11 a.m., as soldiers began to blockade Rama 4 and Withayu roads, people began to demonstrate on Rama 4 Road outside the blockade, in the Bonkai area. Some of them tried to tear down the barricade and harass the soldiers. It was found throughout the blockade, from the 13th to the 18th, soldiers used shotguns with rubber bullets and real bullets, and assault rifles with real bullets in performing their duty. They stationed themselves about 150 meters from the demonstrators, used barbed wire for the barricade and took control of elevated locations around their position.²¹⁶ On May 15th, they put up signs declaring a real-bullet zone. The CRES pointed out that it did not order such signs to be put up, and soldiers did this on their own.

1.1) At around 11 a.m. on 14 May, while army forces were being redeployed from the Thai-Belgian bridge to take control of Withayu Road as far as the Suan Lum Night Bazaar, demonstrators resisted by burning a public transport bus and retaliating with makeshift weapons. It was found that soldiers on Withayu Road used shotguns with rubber bullets and real bullets, and assault rifles with real bullets. They fired assault rifles loaded with real bullets into Lumpini

²¹⁶ In compliance with the directive specifying protective measures the security forces were to take in performing their duties, following upon the incidents on 10 April 2010, when security force lines were attacked by armed groups, men in black with long-range weapons and missiles. The forces were directed to keep a distance of 150 m between them and the demonstrators and erect barricades to prevent face-to-face confrontations, and to deploy personnel to control elevated locations around their positions.

Park and the Sarasin intersection, where demonstrators were gathered, until 2 p.m. A foreign journalist and two Thais were shot and injured on the footpath along the Lumpini Park fence and in front of the Lumpini Police Station. They confirmed that the shooting came from the direction where the soldiers were. The bodies of two civilians who were shot and killed were found near the lake in Lumpini Park.

1.2) When the army began to seal off the demonstration area at around 11 a.m. on 14 May, some of the troops that had been stationed at the Thai-Belgian Bridge were redeployed to take control of Rama 4 Road in the area of the Bonkai community. They fired to disperse demonstrators, some of whom retreated under the expressway and some of whom hid in streets off both sides of the road. Soldiers detained some demonstrators and handed them over to the police, and then fell back and barricaded Rama 4 Road with barbed wire in front of the PTT petrol station. On their part, demonstrators used tires to set up a barricade across Rama 4 Road past the expressway entrance at the overpass near the beginning of Ngamduplee Street.

(2) All during the time Rama 4 Road - Bonkai area was blockaded, from May 13–18 May, demonstrators committed provocations such as riding around on motorcycles harassing soldiers, using makeshift weapons such as firecrackers, big fireworks and slingshots, and using homemade weapons such as PVC pipe bombs loaded with sharp objects, “ping-pong” bombs and firebombs. Some used handguns and some burned tires, which kept the area covered in black smoke. Men in black also were active, attacking the soldiers now and again with assault rifles and M79 grenades. Meanwhile, soldiers used shotguns with rubber and real bullets, and assault rifles with real bullets in performing their duty. Some used rifles with telescopic sights. They maintained a distance of 150 m between them and the demonstrators, and put up signs on May 15th declaring a real-bullet zone to warn demonstrators and other people not to enter the area. They also deployed marksmen on the second floor of the Lumpini Boxing Stadium. Soldiers used shotguns and combat rifles to shoot in the air, shoot downward and shoot level toward where demonstrators were gathered.²¹⁷ Many bullet marks appeared on Rama 4 road in the Bonkai area to under the expressway that were shot from the direction of Rama 4 Road on the Thai-Belgian Bridge side,²¹⁸ where soldiers were on duty. It was found that many demonstrators and residents in the area outside the army lines were injured or killed by gunfire from that direction.

(3) On 17 May, demonstrators seized a petrol truck from the PTT petrol station in the Bonkai area and took it out onto Rama 4 Road. Later they took it back to the station.

²¹⁷ Evidence from videos and photos, and from interviews with Thai PBS journalists on 27 June 2012, together with results of the examinations the Central Scientific Crime Detection Division and the Forensic Science Institute carried out on bullet marks in the Rama 4 Road - Bonkai area.

²¹⁸ Interviews with the Central Scientific Crime Detection Division, of the National Police, on 13 June 2012.



Picture 10: Independent foreign experts in weapons and ammunition who analyzed photos that international news agencies took of action in the Bonkai area pointed out that the bullet casing being ejected (in the circle) from the gun in the picture is from a real bullet, not a blank (practice round).²¹⁹

2.3.9.6 Activities of the men in black in the Bonkai area during the blockade of the demonstration area

(1) From 14 – 18 May, the period when soldiers sealed off the demonstration area and barricaded Rama 4 Road with barbed wire laid across the road at the PTT petrol station in the Bonkai community, the men in black fired no less than 30 M79 grenades²²⁰ at the army line. Assault rifles were also used to shoot at the soldiers. For the most part, these attacks occurred at night, when soldiers stayed in sheltered spots. The direction of fire was from outside the perimeter established by the security forces. As a result, 1 soldier sustained minor injuries to his hand from grenade fragments and a bullet grazed 1 other soldier.

(2) Some people saw a group of at least five men in black, armed with assault rifles and M79 grenade launchers who claimed to be associates of Maj. Gen. Khattiya Sawasdipol. They moved around various streets in Bonkai and Ngamduplee street supervising the activities of demonstrators serving as guards. It is credible that this was the group that used combat weapons against the soldiers. The people who provided information said that in the same areas they saw two or three policemen they recognized who were wearing only half of their uniform. These policemen told local people they could not speak about the men in black to anyone else.²²¹

²¹⁹ Fabiano Riva and Matthieu Glardon, Forensic Firearms & Ballistics Examination for the TRCT, 21 June 2012, page 14.

²²⁰ From interviews and information provided by the parliament and individual soldiers who were on duty there.

²²¹ From interviews with observers of the demonstration, conducted on 23 June 2012, and recordings made during a field visit to the Bonkai community.

(3) On the afternoon of 19 May, a culprit shot at Bonkai residents in front of the PTT petrol station who were trying to drag a water hose from the station to help put out a fire at the Kasikorn Thai Bank branch across the road. The firing came from the direction of Ngamduplee Street, which was outside the parliament perimeter and under the control of demonstration guards and the men in black.²²²

(4) A photo appeared of a man in black mixed in with demonstrators and firing a weapon from near the beginning of Ngamduplee Street. Weapons experts were of the opinion that he was firing an M79 grenade.²²³ Another photo showed a man in black carrying an M79 mixed in with demonstrators in the same area. Besides this, it was found that most demonstration guards wore black or dark-colored shirts and that the men in black communicated with radios.

(5) It was found that some Bonkai residents did not approve of the demonstrators. People who provided information also believed that some residents used weapons to fight the demonstrators.²²⁴

2.3.9.7 Observations concerning the violent incidents in the area of Lumpini Park, Withayu Road and Rama 4 Road – Bonkai

(1) Men in black were mixed in with the demonstrators, and acting together with demonstration guards and some other demonstrators on Rama 4 Road and various streets that connect with Sarasin Road and the Ratchaprasong intersection. For example, they supervised some demonstrators in making homemade weapons such as “ping-pong” bombs, bottle bombs, etc. There are even videos showing men in black with combat weapons in the same area as demonstrators and using the chaotic situation of the demonstrators retaliating against the soldiers and black smoke from burning tires to conceal their firing combat weapons at the soldiers. Also, they were able to use the routes mentioned to transport food and other supplies into and out of the Ratchaprasong Intersection.

(2) People brought a large quantity of materials including sharpened bamboo poles, tires and things that could be use to make weapons such as “ping-pong” bombs, firebombs and PVC pipe bombs to the demonstrators on Rama 4 Road.

²²² From interviews with observers of the demonstration, conducted on 23 June 2012, and recordings made during a field visit to the Bonkai community.

²²³ News photo from France 24.

²²⁴ Conversations with peace activists who were in the Bonkai area; interviews with observers of the demonstration conducted on 23 June 2012. Police Lt. Gen. Amporn Jarujinda provided the following information on 23 June 2012: “I know some people were killed by bullets from local people’s guns.” A weapons expert testified: “I examined the appearance of bullet fragments that police sent for me to look at, and I found that four photos were of bullet fragments from ‘lookkrot’ guns, which are not weapons that soldiers use.”

(3) There were men in black in the Lumpini Park area according to an Asia Times article²²⁵ by journalists who said they met men in black moving around the park. Additionally, from the investigation it was found that M79 grenade launchers were used to fire at many places in the Silom Road area and the area around Lumpini Park, killing two people and injuring many people, as has been detailed already.

2.3.10 Incidents in the area of Ratchaprarop Road, the Dindaeng Triangle intersection and Victory Monument during 13 – 18 May 2010

2.3.10.1 Violent incidents in the area of Ratchaprarop Road, the Dindaeng triangle intersection and Victory Monument left 20 civilians dead.²²⁶ Among the dead were one volunteer nurse from Vachira Hospital²²⁷ and two children less than 18 years old.²²⁸ Many people were injured including two soldiers who sustained minor injuries when demonstrators surrounded them, attacked them and took two M-16 rifles from them. Security forces later recovered one of the rifles from Pathumwanaram Temple on 20 May. Another soldier was wounded by a bullet that grazed his hand.

2.3.10.2 Violence in the area of Ratchaprarop Road – the Airport Link elevated train station at Ratchaprarop – Makkasan intersection – Pratunam

(1) Army forces were stationed in the area of the Airport Link elevated train station from 10 May, armed with shotguns with real bullets/rubber bullets and assault rifles with real bullets. On 12 May at around 2 a.m., a culprit shot an M79 grenade at the Airport Link station. On 14 May, between about 8 – 10 p.m., culprits fired many M79 grenades and an RPG missile into the station area and Ratchaprarop Road near the Indra Hotel, an area where soldiers were on duty. But no one was injured.²²⁹ A foreign journalist who was in the demonstration area at that time provided information that he saw a group of 3 men in black among UDD guards in a tent on the bridge across Saensaep Canal, inside the area barricaded by the demonstrators. The men in black carried black plastic trash bags into the tent. Then one man carrying an M79 grenade launcher walked off toward Pratunam, telling the journalist he was “going to work.”

²²⁵ Kenneth Todd Ruiz and Olivier Sarbil, “Unmasked: Thailand’s men in black,” Asia Times Online, <http://atimes.com/at...a/LE29Ae02.html> may 29th 2010.

²²⁶ Two of the people were shot while riding a motorcycle down the off ramp from the elevated Chaturathit Road onto Ratchaprarop Road; 1 person was shot while riding a motorcycle and crashed on the bridge over the Dindaeng intersection heading toward Victory Monument; 1 person was shot at the beginning of Phaholyothin 2/1 street; and 1 other person was shot on the balcony of a room on the 27th floor of The Complete Condo, a building on Ratchaprarop Road.

²²⁷ Mr. Boonting Pansila, a nurse at Vachira Hospital, was shot while performing duties in the Ratchaprarop Road area.

²²⁸ Kunnakorn Srisuwan was shot while walking near the Airport Link elevated train station Samapan Srithep was shot when he came outside to watch events on Ratchaprarop Road.

²²⁹ Soldiers’ testimony during the 8th Hearing “Cases of Violence in the Dindaeng–Rangnam–Ratchaprarop Area,” 22 June 2011.

Two minutes later, loud gunfire erupted and the journalist heard 2 or 3 explosions. Demonstrators and guards let out a cheer together and applauded happily. These men in black were able to enter and leave the demonstration area without being searched, and the journalist said one of them was known to the guards and demonstrators, and probably was associated with Maj. Gen. Khattiya Sawasdipol. Later on, around 11:15 p.m.,²³⁰ an M79 grenade was fired in the Dindaeng area.

(2) Throughout the period that the demonstration was sealed off, from 13 – 18 May, culprits shot many M79 grenades onto Ratchaprarop Road between Pratunam and the Makkasan intersection. This happened mostly at night, when soldiers stayed in sheltered places, and it appears that no one was injured.

(3) Soldiers who were on duty in the area provided information that the M79 grenades mentioned probably were fired from Ratchaprarop Road or buildings to the east, around Pratunam, which were under the control or influence of the UDD. Pratunam area residents said that after the soldiers tried to take control of Ratchaprarop Road from the Indra Hotel to the Airport Link station, groups of “bad people” associated with influential people in the area would operate at night from alleys and secluded spots along Ratchaprarop harassing the soldiers. Men in black who “carried long guns” supervised them. These groups broke lights along the streets so the soldiers could not see them.

(4) On 14 May at about midnight, soldiers on duty in the area of the Airport Link elevated train station shot at a van that came out of a street beside the Indra Hotel and headed toward the barrier under the train station. The soldiers signaled for the van to stop, but it kept coming.²³¹ Two people near to where this incident occurred died: Mr. Pan Khamkong and Kunnakorn Srisuwan. The driver of the van was seriously injured. The autopsy on Mr. Pan Khamkong found fragments of a 5.56 mm bullet fired from a high-velocity gun.²³²

2.3.10.3 Violence in the Ratchaprarop Road – Dindaeng triangle area

(1) Soldiers were stationed in the area of the Ratchaprarop Airport Link station from 10 May. On 14 May, demonstrators were putting pressure on the force there from both sides – from Pratunam and from the Dindaeng triangle – and seized an army water truck near the Makkasan intersection. Culprits also attacked the soldiers with M79 grenades at intervals. So reinforcements were sent from the 1st Infantry Battalion of the King’s Guard on Viphavadi-

²³⁰ The foreign journalist was interviewed on 13 June 2012.

²³¹ From the full autopsy report, case no. 55/2553, statements by witness #2, Mr. Komsanti Thongmak, journalist with the Nation news service.

²³² From the investigation report by the weapons and ammunition unit of the Central Scientific Crime Detection Division of the National Police, as recorded in the full autopsy report on Mr. Pan Khamkong, case no. 53/2553.)

Rangsit Road. Once the reinforcements reached the Dindaeng triangle, they went down a side street on the left of Ratchaprarop Road and came out on Ratchaprarop Soi 20, near the All Seasons Hotel. From there they went back up Ratchaprarop to station themselves in the area of the Esso petrol station at the beginning of Rangnam Street. Army forces thus controlled Ratchaprarop Road from the Airport Link station to the Esso station until 19 May. The reinforcements carried shotguns with rubber bullets/real bullets and assault rifles with real bullets. While they were moving up Ratchaprarop Road, they had confrontations with demonstrators, who were gathered on Ratchaprarop Road at the Dindaeng triangle, on Rangnam Street, and other streets and alleys along both sides of Ratchaprarop. On 15 May, soldiers put up signs along the barbed wire across Ratchaprarop in the Pratunam area declaring a real-bullet zone.

(2) On 14 May at about 5 p.m., a group of demonstrators surrounded and assaulted soldiers who tried to take back the water truck that had been seized and driven to the Dindaeng triangle. The group also seized two personal-issue M-16 assault rifles from the soldiers, along with 100 rounds of ammunition. Even so, some demonstrators tried to stop this and help the soldiers, who were injured. Later, on 20 May, police reclaimed one of these weapons, which they found hidden under a vehicle in front of the Sinthusek Pavilion in Pathumwanaram Temple.²³³

(3) During the blockade by soldiers on Ratchaprarop Road, in front of the Esso petrol station²³⁴ at Rangnam Street, on the side toward the Dindaeng triangle, demonstrators retaliated with makeshift weapons, such as slingshots and fireworks, as well as homemade weapons, such as firebombs, PVC pipe bombs and “ping-pong” bombs. Some demonstrators used handguns. The soldiers used assault rifles with real bullets, which they fired along Ratchaprarop in the direction of Dindaeng, where demonstrators were gathered. Investigation of sites in the incident area along Ratchaprarop Road by independent foreign forensic experts on weapons and ammunition, many bullet marks were found on concrete and metal surfaces, for example on store doors, utility poles, building and location signs, concrete walls and telephone relay boxes. For the most part, the direction of fire was from the Rangnam Street intersection, on the Dindaeng side, which would be the direction of shooting from the place where soldiers were stationed.²³⁵ A large number of people died or were injured on Ratchaprarop Road from the Rangnam Street

²³³ PowerPoint file “Ratchaprarop Pratunam,” provided by army personnel.

²³⁴ Now a Caltex petrol station.

²³⁵ Fabiano Riva and Matthieu Glardon, *Forensic Firearms & Ballistics Examination for the TRCT*, June 21st 2012, pages 30-37.

intersection to the Dindaeng triangle. Nevertheless, some marks were found to have been made by bullets fired from the opposite direction, from Dindaeng heading toward Rangnam Street. The evidence found is consistent with the results of site investigations carried out on Ratchaprarop Road by the Forensic Science Institute and the Central Scientific Crime Detection Division.²³⁶ Many marks were found that were believed to have come from high-velocity 5.56 mm (.223) bullets fired from Rangnam Street toward the Dindaeng triangle. Some marks indicated the direction of firing was from the Dindaeng triangle toward Rangnam street. Bullet marks along the side of Ratchathewi Road, in the Dindaeng triangle area, indicated the direction of fire was from Ratchaprarop Road, and one mark was from a bullet fired in the opposite direction, toward Ratchaprarop.²³⁷

(4) It was found that on 14 May, while soldiers were advancing along Ratchaprarop Road, they fired together toward a barricade of automobile tires that demonstrators had built in the area of the Shell petrol station. They fired along Ratchaprarop Road toward the Dindaeng triangle. A Thai Journalist who took video footage of the incident was threatened by soldiers who told him not to film the action or they would confiscate the camera's memory card. One person died in the violent incident just described. Mr. Channarong Polsrila, and a cameraman from the Nation news service was shot and injured. The details that appear in point 2.3.10.4 (4) are consistent with information from a foreign journalist at the scene whose statement investigators included in their files.²³⁸

2.3.10.4 Findings about some deaths and injuries in the Ratchaprarop – Makkasan – Dindaeng triangle area

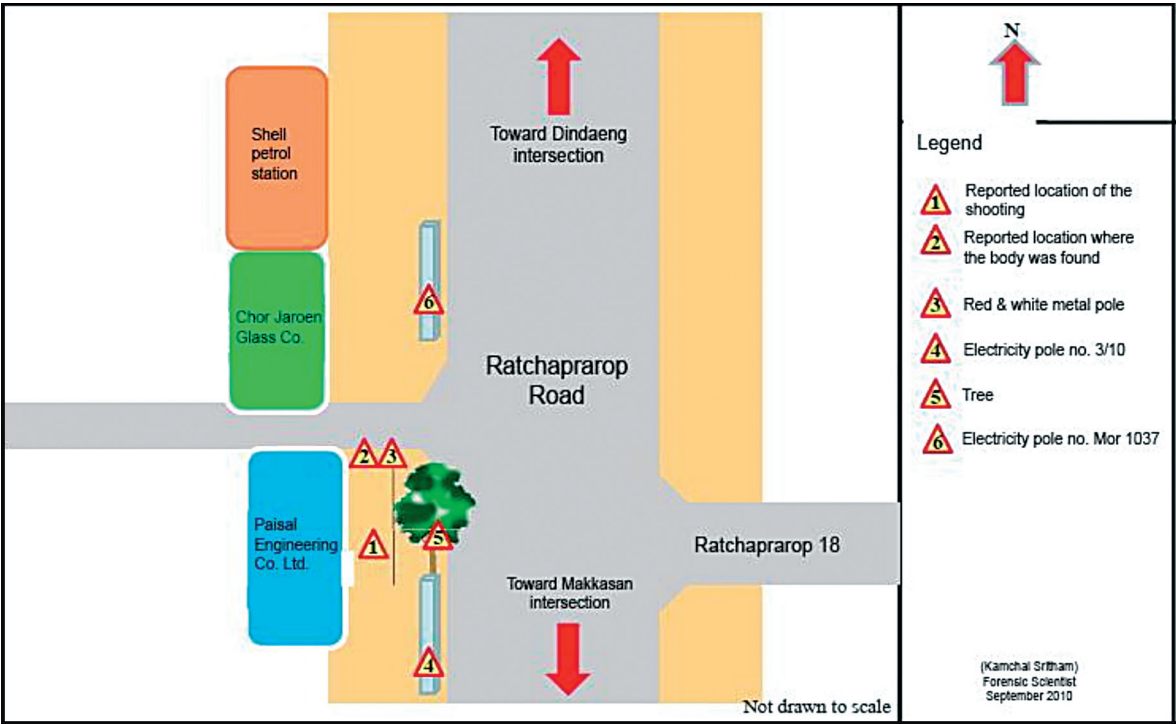
(1) It was found that many deaths occurred on Ratchaprarop Road between the Esso petrol station at Rangnam street and the area in front of the Viriya Insurance Company. The dead included: Mr. Kittipan Khanthong, Mr. Boonting Pansila, Samapan Srithep, Mr. Amphol Keunsi, Mr. Channarong Polsrila and Mr. Uthai Onin. From investigating sites where people were shot and killed, the Forensic Science Institute and independent foreign forensic experts in weapons and ammunition found marks that they believe came from high-velocity 5.56 mm bullets. The direction of fire was from the Rangnam Street side of Ratchaprarop Road toward the Dindaeng triangle. During the time that the incidents occurred, soldiers were stationed in and controlled Ratchaprarop Road from in front of the Esso petrol station at the beginning of Rangnam Street

²³⁶ The Central Scientific Crime Detection Division did not find any marks from bullets fired from the Dindaeng triangle because it searched only in locations pointed out by witnesses, not the whole area.

²³⁷ Site investigation report from the Office of Site Investigation, Forensic Science Institute, report no. CSI-S-5210-041.

²³⁸ Investigation report for case Chor 65/2553, National Police Headquarters.

to the Makkasan intersection area between Ratchaprarop 12 Street and Ratchaprarop 14 Street.

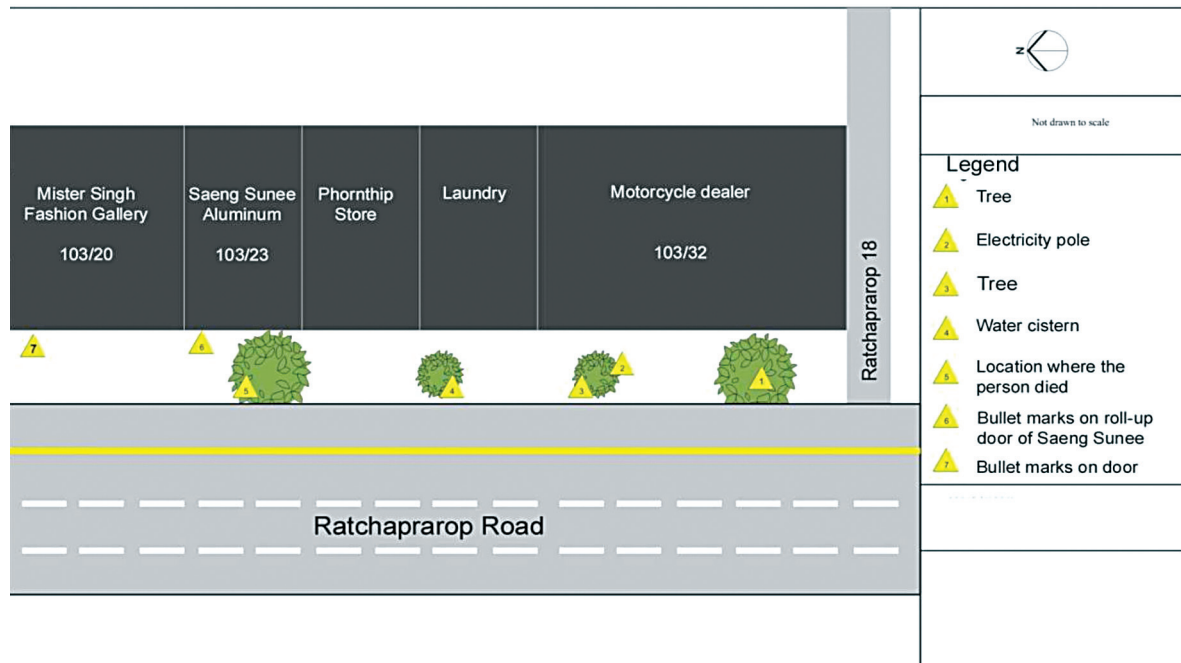


Picture 11: Site investigation map by the Forensic Science Institute showing the area in which Mr. Boonting Pansila was shot and killed (location #1), as reported in point 2.3.10.4 (1). Bullet marks were found at locations 2-5, with the direction of fire being from the intersection of Ratchaprarop Road and Rangnam Street toward the Dindaeng triangle.²³⁹

²³⁹ The map was included in site investigation CSI-S-5309-129 by an investigation unit from the Site Investigation Office of the Forensic Science Institute.



Simplified site investigation map included with Site Investigation Report CSI-S-5309-130
 The area where the incident occurred, in front of Saeng Sune, 103/23 Ratchaprarop Road,
 Phayathai Sub-district, Ratchathewi District, Bangkok
 Investigation conducted at 16:00 on September 21st 2010



Picture 12: Site investigation map by the Forensic Science Institute showing the area in which Mr. Samapan Srithep was shot and killed (location #5), as reported in point 2.3.10.4 (1). Bullet marks were found at locations 6 and 7, with the direction of fire being from the intersection of Ratchaprarop Road and Rangnam Street toward the Dindaeng triangle.²⁴⁰

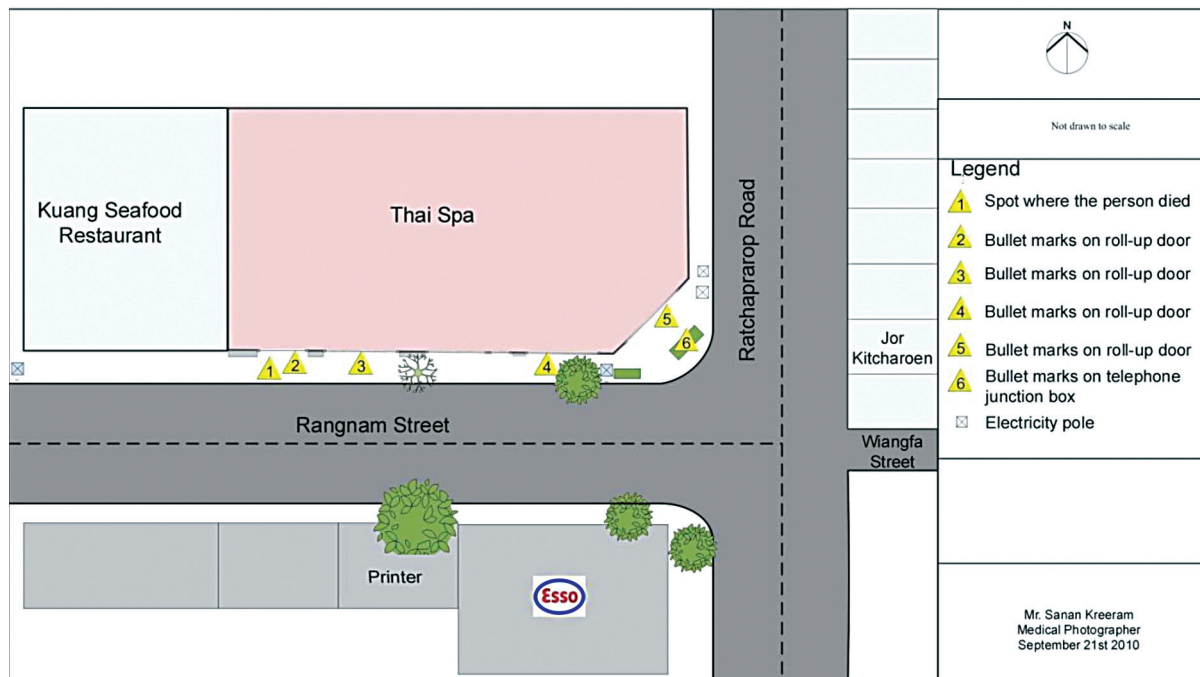
(2) Mr. Thanwa Wongsiri died after being shot on the sidewalk in front of the Thai Spa establishment on the side of Rangnam Street opposite the Esso petrol station. From investigating the site, the Forensic Science Institute and independent foreign forensic experts in weapons and ammunition found many bullet marks in the area where the incident occurred. They were found on the roll-up metal doors of shops and on a telephone relay box at the corner of Rangnam Street in front of the shops. The direction of fire was from off Ratchaprarop Road inside Rangnam Street. At the time, soldiers were stationed on Ratchaprarop Road from in front of the Esso petrol station at the beginning of Rangnam Street to the Makkasan intersection area between Ratchaprarop Soi 12 and Ratchaprarop Soi 14 streets.

²⁴⁰ The map was included in site investigation CSI-S-5309-130 by an investigation unit from the Site Investigation Office of the Forensic Science Institute.



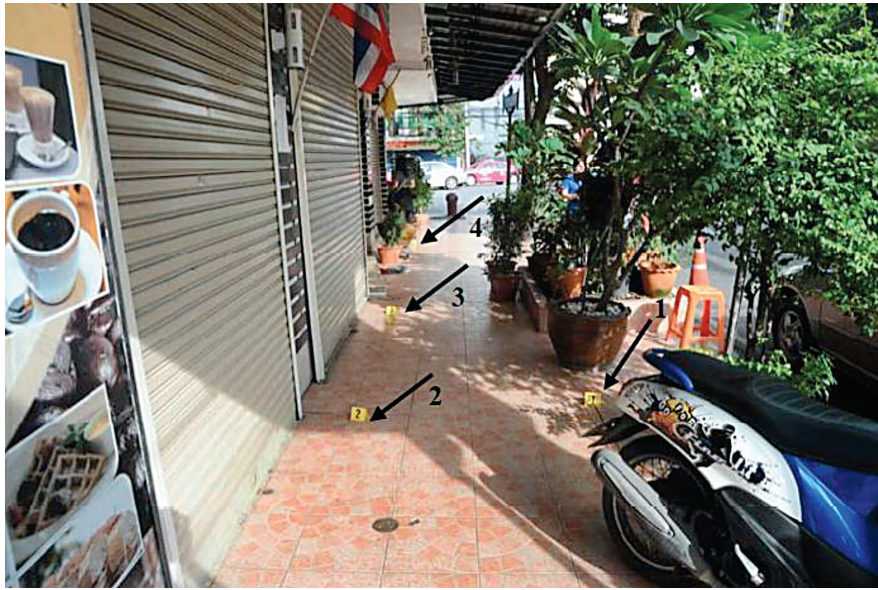
Simplified site investigation map included with Site Investigation Report CSI-S-5309-128

The area where the incident occurred, in front of Thai Spa, Rangnam Street,
Phayathai Sub-district, Ratchathewi District, Bangkok
Investigation conducted at 16:00 on September 21st 2010



Picture 13: Site investigation map by the Forensic Science Institute showing the area in which Mr. Thanwa Wongsiri was shot and killed (location #1), as reported in point 2.3.10.4 (2). Bullet marks were found at locations 2-6, with the direction of fire being from off Ratchaprarop Road inside Rangnam Street.²⁴¹

²⁴¹ The map was included in site investigation CSI-S-5309-128 by an investigation unit from the Site Investigation Office of the Forensic Science Institute.



Picture 14: This picture from the site investigation by the Forensic Science Institute shows the spot where investigators reported they found the body of Mr. Thanwa Wongsiri, whose death is detailed in point 2.3.10.4 (2). This corroborates information from interviews with Thai Spa employees, who pointed out location 1 as the spot where a person was shot and killed. Locations 2-4 are doors where marks were found from bullets fired from off of Ratchaprasong Road, inside Rangnam Street.²⁴²

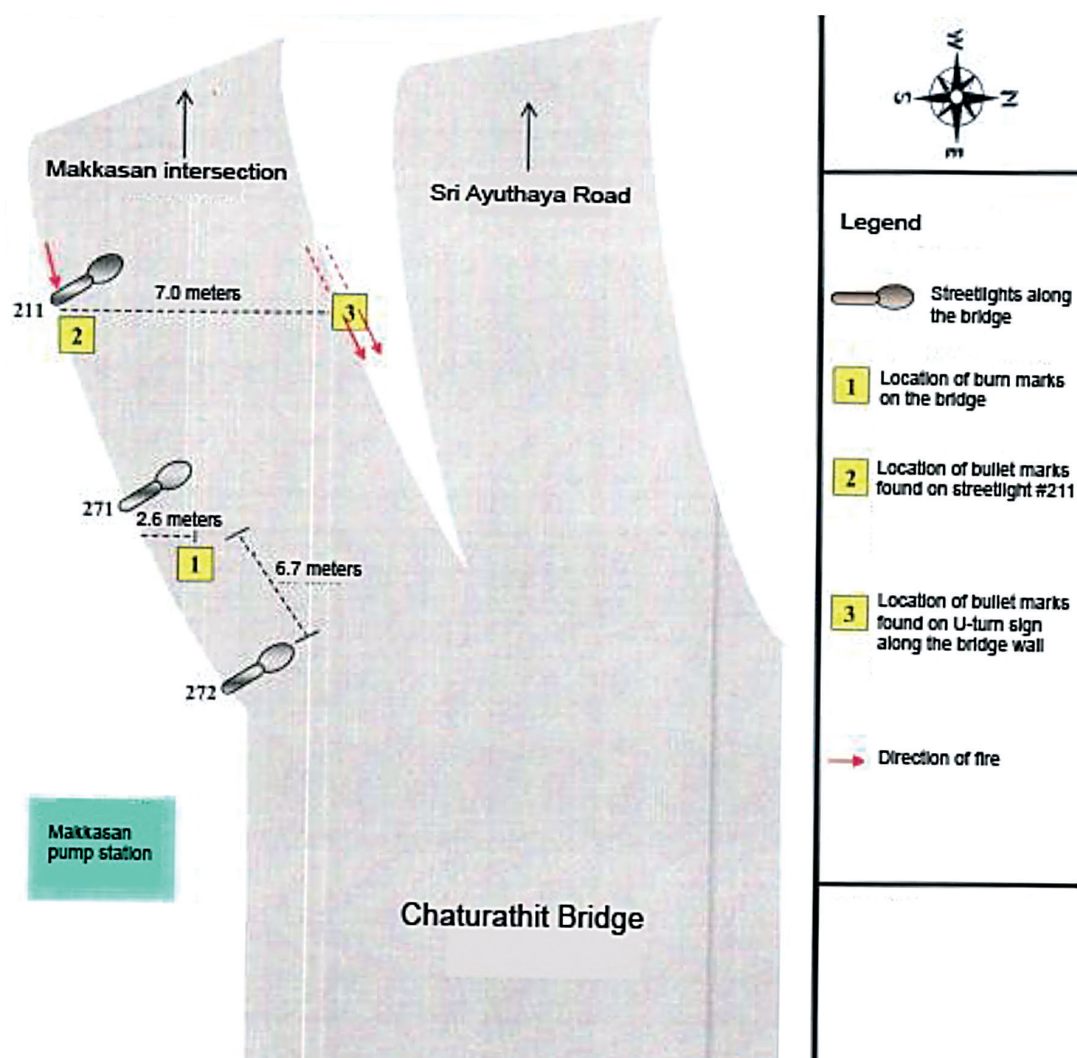


Picture 15: This picture from the site investigation by independent foreign forensic experts in weapons and ammunition shows the spot where the incident occurred and indicates a bullet

²⁴² The picture was included in site investigation CSI-S-5309-128 by an investigation unit from the Site Investigation Office of the Forensic Science Institute.

path consistent with the results of the investigation by the Forensic Science Institute, referenced in Picture 14. The red arrow shows the direction from which the bullet came.²⁴³

(3) The deaths of Ms. Santana Sanpasri and Mr. Manoon Talad occurred on 14 May at around 8 p.m. Ms. Santana was shot with a high-velocity bullet and Mr. Manoon with a single shotgun bullet as they were riding a motorcycle down from the elevated Chaturathit Road, swerving down the off ramp. Investigation by the Forensic Science Institute found three bullet marks caused by 5.56 mm bullets fired from the off ramp to the Makkasan intersection up toward the Chaturathit overpass. At the time, soldiers were manning a checkpoint at the Makkasan intersection.



Picture 16: Site investigation map by the Forensic Science Institute showing the area in which

²⁴³ Fabiano Riva and Matthieu Glardon, Forensic Firearms & Ballistics Examination for the TRCT, June 21st 2012, page 35.

it is believed Ms. Santana Sanpasri and Mr. Manoon Talad were shot, and the locations where bullet marks were found, as detailed in point 2.3.10.4 (3).²⁴⁴

(4) Mr. Chaiyawat Phoomphuang, a cameraman with the Nation news service, was wounded on the right side of his head by a high-velocity bullet on 15 May at around 3 p.m.. At the time, Mr. Chaiyawat and a group of other news journalists were on the sidewalk across from the Shell station, behind the wall of tires that demonstrators were using as a barricade.²⁴⁵ Mr. Chaiyawat testified that he was shot by the soldiers, and that just before he was shot he heard a volley of shots from the soldiers hit the tires piled in front of the Shell station. This happened at the same time that Mr. Channarong Polsrila was shot.²⁴⁶ At the time, soldiers were stationed on Ratchaprarop Road from in front of the Esso petrol station at the beginning of Rangnam Street to the Makkasan intersection area between Ratchaprarop 12 and Ratchaprarop 14 streets.

2.3.10.5 Activities of the men in black

(1) On 14 May, from around 8 – 10 p.m., culprits shot many M79 grenades and an RPG missile at the army forces stationed on Ratchaprarop Road between the Indra Hotel and the Airport Link elevated railway station, as detailed already in 2.3.10.2 (1). At about 11:15 p.m., an M79 grenade was fired into the Dindaeng triangle area. Throughout the period of the blockade, from 13 - 18 May, many M79 grenades were fired, mostly into the Ratchaprarop Road area between Pratunam and the Makkasan intersection.

(2) It is believed that men in black used combat weapons against the army lines throughout the period of the blockade. The accounts of soldiers on duty during that time are corroborated by the results of investigations by independent foreign forensic experts in weapons and ammunition, and the Forensic Science Institute, who found two bullet marks on the pedestrian bridge across Ratchaprarop near the Shell petrol station that were made by bullets fired from the direction of the Dindaeng triangle, where demonstrators were gathered.

2.3.10.6 Observations

(1) A large quantity of supplies such as automobile tires and materials used to make weapons such as “ping-pong” bombs, firebombs and PVC pipe bombs was brought in to the demonstrators on Ratchaprarop Road.

²⁴⁴ The picture was included in site investigation CSI-S-5309-131 by an investigation unit from the Site Investigation Office of the Forensic Science Institute.)

²⁴⁵ Interview with a Thai PBS journalist on May 28th 2012.

²⁴⁶ Mr. Chaiyawat Phoomphuang was interviewed on January 29th 2012.

(2) The person who was shot and killed on the balcony of an apartment on the 27th floor of The Complete Condo was shot with a high-velocity bullet fired horizontally, a little slanted from front to back. The direction of fire could have been from a tall building or elevated place to the left of building A of The Complete Condo.²⁴⁷ The superintendent of the Metropolitan Gypsum building, one of the buildings in that area, stated that during the violence, he was in charge of looking after security around the outside of the building. Toward the beginning of this period, the military asked people who did not have urgent reasons to stay there to leave the building. On 17 May, soldiers entered and searched the building but did not find anything out of the ordinary.²⁴⁸



Picture 17: This site investigation picture from the Institute of Forensic Science shows the area on the left side of the Metropolitan Gypsum building. It was taken from the balcony where the incident described in point 2.3.10.5 (2) took place.²⁴⁹

²⁴⁷ Site investigation report by the Office for Site Investigation of the Forensic Science Institute, Ministry of Justice, page 5.

²⁴⁸ The army personnel who searched the building were Lt. Col. Sompong Jaija and soldiers from Lopburi Province, according to the Department of Special Investigation file on the case of Mr. Hun Onsa and Mr. Thanakorn Piyapoldirek.)

²⁴⁹ The picture was included in site investigation CSI-S-5309-131 by an investigation unit from the Site Investigation Office of the Forensic Science Institute.

(3) Statements from people at the scene recounted that on May 15th, gunshots were fired down into the demonstrators from the Chivathai building. Police and rescue personnel who were on the Dindaeng triangle side of Ratchaprarop Road, and security guards at the Century Park Hotel made statements to investigators that appear in the Department of Special Investigation file. One said he “saw five men dressed similar to soldiers and carrying long guns go out on top of the Chivathai building on 14 May 2010 at about 4 p.m.”²⁵⁰ This is consistent with information from interviews with demonstrators and other people present during the incident, who said a group of people with guns was on top of the Chivathai building. Additionally, on 17 May, demonstrators tried to enter the building and set it on fire, but they were unsuccessful because the building was under construction and nothing was flammable. On that same day, the CRES announced that men in black on the top of the Chivathai building had fought with soldiers. Then on 20 May, after the situation had settled down, soldiers who went up to search the building found an improvised explosive device and “ping-pong” bombs. Then they searched the Century Park Hotel and found bullet casings.²⁵¹ Nonetheless, the investigation was not able to positively identify to which side the armed group on top of the Chivathai building belonged.

2.3.11 Violent Incidents on 19 May 2010

2.3.11.1 Before the “reducing the area” incident on 19 May, on the night of the 18th, Gen. Lusrat Rattavanich, an appointed senator, led a group of senators to meet with the UDD core leaders at the Ratchaprasong intersection to seek a way to end the violence, but no settlement was reached. The government asserted that it would negotiate only after the demonstration ended, and the core leaders sent the people home and turned themselves in to the police, but the UDD claimed that the prime minister would not negotiate further.

2.3.11.2 As of 19 May 2010, the UDD demonstrators were continuing their rally at the Ratchaprasong intersection and adjacent area, as well as outside the area, at the points where soldiers were blockading the roads leading into it. The soldiers were not letting anyone into the area, but people could leave. At around 3 a.m. soldiers began preparing to tighten their cordon and reduce the area of the demonstration, to disperse the crowd. They began the operation at 6 a.m. on 19 May. Police closed Rama 4, Withayu and Henri Dunant roads, and soldiers began to take control of Lumpini Park and the surrounding area. Soldiers stationed at the Thai-Belgian Bridge intersection advanced down Withayu Road, those in front of the Eujueliang Building moved into the park, and those at the Saladaeng intersection dismantled the barricade that demonstrators

²⁵⁰ Statement from Mr. Somchai Inthanin, head of security outside the Century Park Hotel, special case 306/2010, the case of Mr. Hun Onsa.

²⁵¹ Working Group meeting 4, 22 June 2011.

had erected in the area of the King Rama VI Monument plaza. The forces then advanced down Ratchadamri road, reaching the Ratchadamri intersection at around 11 a.m., until the UDD core leaders called an end to the demonstration at 1:20 p.m.. The CRES ordered all army units to halt the operation and prepare to assist demonstrators who needed to go to the National Sports Stadium, in order to travel back to their home districts.

2.3.11.3 Violent incidents on 19 May caused the deaths of 15 people. Of these, six people died in the Lumpini Park – Ratchadamri Road area, three in the Ratchaprarop – Dindaeng triangle area and six in the incident at Pathumwanaram Temple. Additionally, many buildings were set on fire in the areas mentioned and the Rama 4 Road – Bonkai area.

2.3.11.4 Violent incidents in the Lumpini Park – Ratchadamri road area

(1) Violent incidents on 19 May in the area of Lumpini Park and Ratchadamri Road during the operation to reduce the demonstration area claimed six lives, including those of a soldier and an Italian cameraman.

(2) The CRES described the operation to disperse the demonstration as “reducing the area” of the demonstration. It explained that as part of sealing off the demonstration, some demonstrators were to be dispersed by reducing the area of the rally through taking back control of Lumpini Park and adjacent areas. The goal was to pressure demonstrators to leave the area and stop the demonstration.²⁵² The CRES had arranged transportation from the National Sports stadium to take the demonstrators back to their home districts. Soldiers began the operation in the dawn hours on 19 May, while the UDD demonstrators still occupied the Ratchaprasong intersection and soldiers had blockaded the surrounding area. No one was allowed to enter the blockaded area, but people inside it could leave. The soldiers began preparing at around 3 a.m. to start tightening the circle around the demonstration area at 6 a.m.²⁵³ Soldiers stationed in front of the Eujueliang Building on Rama 4 Road entered Lumpini Park through gate #3 later than that, at around 7 a.m., to take control of the park and surrounding area. Another unit went down Withayu Road and then up Sarasin Road. A third unit dismantled the barricade of tires that the demonstrators had erected at the Saladaeng intersection and advanced up Ratchadamri Road, reaching the Ratchadamri-Sarasin intersection at around 11 a.m. and continuing on until the UDD announced an end to the demonstration. At 1:20 p.m.

²⁵² Mr. Abhisit Vejjajiva came and gave information to the TRCT on 20 June 2012; and Mr. Suthep Taugsuban came and gave information to the TRCT on 26 June 2012.

²⁵³ CRES document “Restoring peace and order in the situation of demonstrations in Bangkok and the surrounding area,” pages 35 and 45.

the CRES ordered a halt to the military operation,²⁵⁴ during which forces had been stationed on the BTS elevated railway tracks, toward the King Rama VI Monument plaza side, on the Thai-Japanese Bridge and on the Thai-Belgian Bridge.

(3) It was found that demonstrators had placed improvised explosive devices along portions of the barriers they had erected. The soldiers had armored personnel carriers, shotguns and assault rifles with real bullets for the operation described in point 2.3.11.4 (2). As the soldiers advanced up Ratchadamri Road toward Sarasin Road, tents and barriers set by the demonstrators on the road surface as well as the sidewalks obstructed the way. Bunkers that demonstrators had built out of tires were on fire in the area in front of Chulalongkorn Hospital's Sor Kor Building. Demonstrators resisted with makeshift weapons and there were encounters with men in black, who fired assault rifles and grenades at the advancing soldiers. Some people saw men in black along the side of the road near the water tank in front of the Thai Red Cross building. Soldiers responded by firing shotguns and assault rifles loaded with real bullets up Ratchadamri Road where the demonstrators and men in black were, in the direction of the Ratchaprasong intersection. Investigation of the site of the incident found many bullet marks on the pillars for the BTS elevated train tracks, on opposite sides, that were made by bullets fired back and forth. Most bullet marks, though, were made by shots fired in the direction of the Ratchaprasong intersection. The incident that morning left many people wounded from high-velocity bullets. Four demonstrators and an Italian cameraman died. The M79 grenade attacks on the soldiers by the men in black injured a foreign journalist as well as soldiers, and one soldier died. In total, 6 people died during the incident.

(4) The four demonstrators who died were shot roughly between 10 – 11 a.m. Mr. Thawil Khammul was shot near a taxi sign on the Lumpini Park side of the road, across from the Sor Kor Building of Chulalongkorn Hospital. Pictures show demonstrators who went to help trying to use a table as protection against bullets by turning the flat side as a shield toward Lumpini Park, a position that gave the understanding that they were trying to block bullets being fired from section 1 of the park.²⁵⁵ Mr. Narin Srichompu was shot in front of the Baan Ratchadamri Condominium building, near the Ratchadamri-Sarasin intersection. From video clips and bullet marks that appeared in the area of the incident, he was shot from the direction of Saladaeng. Mr. Tanachote Chumyen was shot in the area of the Ratchadamri-Sarasin intersection, behind Lumpini Park. The name of the fourth demonstrator who died is not known, and the evidence is not clear as to exactly where and when he was shot. The body was found on

²⁵⁴ When the UDD announced an end to the demonstration, the CRES ordered all units involved in the operation to reclaim the demonstration area to "stop the operation and redeploy so as to maintain current positions," according to CRES directive 1407.45/326, issued on 19 May 2010.

²⁵⁵ This appears in video footage and still photos taken while demonstrators went to help Mr. Thawil Khammul.

Ratchadamri Road in front of Chulalongkorn Hospital's Sor Kor Building. Some demonstrators also were wounded by high-velocity bullets. In any event, even though marks were made by bullets fired from the direction of the Ratchaprasong intersection, no deaths or injuries were found to have been caused by such firing. And no soldiers were found to have suffered bullet wounds. During the period when these incidents happened, soldiers were moving up Ratchadamri Road from the Saladaeng intersection toward the Ratchadamri-Sarasin intersection. Another detachment was operating inside Lumpini Park. The unit that was operating in the park asserted that while it was establishing control of the area, no encounters occurred with anyone. But the CRES reported, "At 10:50 a.m., an army unit inside Lumpini Park had an encounter with an armed force that lasted about 30 minutes."²⁵⁶

(5) At about 10:58 a.m., Fabio Polenghi, an Italian cameraman, was shot and killed as he was walking on Ratchadamri Road from Saladaeng past the Ratchadamri-Sarasin intersection toward Ratchaprasong with 2 or 3 other journalists. At the time soldiers were in action on Ratchadamri in front of Chulalongkorn Hospital's Sor Kor Building. Mr. Polenghi was shot on the side of Ratchadamri where traffic heads toward Ratchaprasong, close to the island in the middle of the road, in front of the Royal Bangkok Sports Club. At the same time, two other foreign journalists who were walking with him were shot and wounded.²⁵⁷ The bullet hit Mr. Polenghi in his back, on the right side, and traveled from back to front, right to left. It came from the direction of the Saladaeng intersection, where soldiers were on duty. After Mr. Polenghi was shot and fell down, a man wearing a black safety helmet with a cloth covering his mouth, who was dressed like a journalist, rushed over and took Mr. Fabio's camera. As Mr. Fabio was shot and fell to the ground, a large group of journalists was walking him behind with the advancing soldiers. Following this incident, the soldiers had an encounter with men in black at around 1 p.m. According to a simulation the Forensic Science Institute made of the path of bullets in the area of Ratchadamri Road where Mr. Polenghi was shot, heading toward Ratchaprasong, the bullets were fired from somewhere between the Saladaeng intersection and the Ratchadamri intersection in the direction of Ratchaprasong.

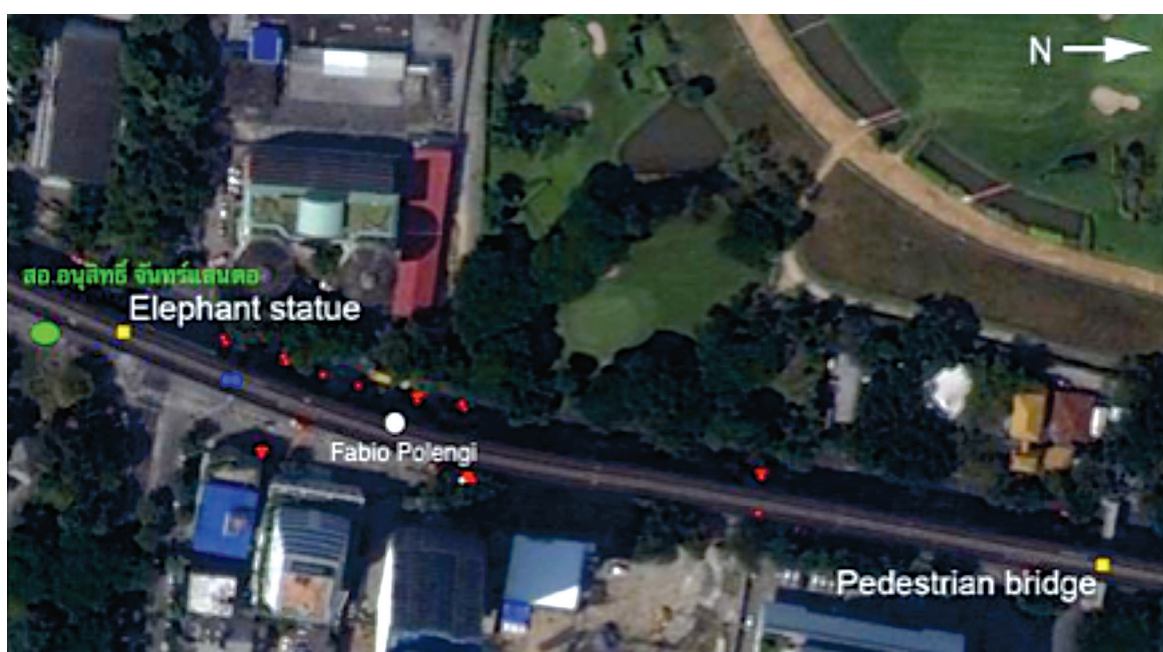
(6) The investigation of the Ratchadamri Road area by the Forensic Science Institute found bullet marks along both sides of Ratchadamri road, the side heading toward Saladaeng as well as the side heading toward Ratchaprasong, in front of the AIDS Research Center, the Thai Red Cross and the entrance to the Royal Bangkok Sports Club (gate 3), and all the way to Lumpini Park and Chulalongkorn Hospital.²⁵⁸ Bullet marks were also found on the pillars of the BTS

²⁵⁶ CRES document "Restoring peace and order in the situation of demonstrations in Bangkok and the surrounding area," page 45.

²⁵⁷ American journalist Bradley Cox and Dutch journalist Michel Mass.

²⁵⁸ Justice Ministry Memorandum 1009/1385, Summary of the results of the site investigations and collection of evidence for the operations to reclaim area and reduce area on 10 April 2010 and 19 May 2010, by the Forensic Science Institute, page 6.

elevated train, in the area of the island down the middle of the road and near the Ratchadamri-Sarasin intersection from bullets that were fired from the direction of the Ratchaprasong intersection, but the kind of bullet could not be determined.²⁵⁹ When considered together with video footage, it was found that soldiers on Ratchadamri Road fired assault rifles in the direction of the Ratchaprasong intersection. This is consistent with the conclusion of independent foreign forensic experts in weapons and ammunition who investigated the area and found the majority of bullet marks were made by bullets fired from the direction of the Saladaeng intersection toward the Ratchaprasong intersection, and some by bullets fired from the direction of the Ratchaprasong intersection toward Saladaeng.²⁶⁰



Picture 18: On this photo taken from Google Earth, the white dot marks the spot where Mr. Fabio Polenghi was shot and killed. The green dot marks the spot where Sgt. Anusit Chansaento was killed by an M79 grenade explosion (dots added by the writer). The blue spot indicates the area where marks were made by bullets fired from the direction of Ratchaprasong toward Saladaeng, and the red dots show where marks were made by bullets fired from the direction of Saladaeng toward Ratchaprasong. (The picture was made by independent foreign forensic experts in weapons and ammunition).²⁶¹

²⁵⁹ Report no. 280/2554, by an investigation unit of the Office of Site Investigation, Forensic Science Institute.

²⁶⁰ Report no. 280/2554, by an investigation unit of the Office of Site Investigation, Forensic Science Institute, page 5.

²⁶¹ Fabiano Riva and Matthieu Glardon, Forensic Firearms & Ballistics Examination for the TRCT, June 21st 2012, page 40. The number of dots reflects the relative proportions of bullet marks found, not the number.

(7) At around 1:30 p.m., after the UDD core leaders announced an end to the demonstration, men in black fired assault rifles and many M79 grenades at soldiers who had come from Saladaeng and stopped at the edge of Lumpini Park, at the Ratchadamri-Sarasin intersection, to search the Bangkok Cable building. This killed one soldier, Sgt. Anusit Chansaento, and seriously injured many more as well as a Canadian journalist. The direction of fire was from Ratchadamri Road past the Ratchadamri-Sarasin intersection toward the Ratchaprasong intersection,²⁶² which was in the area of the demonstrators. As for the search of the Bangkok Cable building, soldiers did not find anything illegal.

(8) According to a report, at 10:50 a.m. culprits believed to be men in black fired combat weapons at soldiers who were operating in Lumpini Park, triggering an encounter in the park between soldiers and armed men in black that lasted about 30 minutes.²⁶³ Video footage of events also shows soldiers on Ratchadamri Road aiming assault rifles into Lumpini Park and preparing to shoot before other soldiers say that the people in the park are soldiers too. Then someone shouts for the soldiers in the park to stop shooting.²⁶⁴ In addition there is a photo of a man in black firing an M79 launcher into Lumpini Park. The photo is believed to be of events on 18 May.²⁶⁵

2.3.11.5 Violent incidents in the Ratchaprarop – Dindaeng triangle area

Concerning events in the area of Ratchaprarop Road and the three-way Dindaeng intersection, the army forces remained where they had been stationed. During the 19 May events, two people died on Ratchaprarop Road of gunshot wounds. Miss Prachuap Charoentim and Mr. Pratya Saekoe were both shot with high-velocity bullets. Another person, Miss Vasini Theppan, died at the beginning of Phaholyothin 2/1 Street, outside the confrontation area, when she too was shot with a high-velocity bullet, at around 9 p.m. According to the investigation file with the Department of Special Investigation, a witness at the scene recounted seeing a group of no more than 10 people wearing black shirts among the BTS elevated railway pillars and among trees across from Phaholyothin 2/1 Street, but the witness did not see any soldiers or police in the area. However, it is known that an army checkpoint was set up near Sanampao, next to army-run TV Channel 5, about 500 meters from Phaholyothin 2/1 Street, and some

²⁶² Soldiers involved in the incident came and provided information to the TRCT on 20 March 2012.

²⁶³ CRES document “Restoring peace and order in the situation of demonstrations in Bangkok and the surrounding area,” page 45, but soldiers who were on duty in the park said during interviews that there was no encounter. In any case, it is believed that shots were fired out of the park during the time in question. There is also a photo of a man in black firing a weapon into Lumpini Park, and from statements by a foreign journalist who was present during the incident, it is credible that this took place at the same time as the operation to re-establish control over the park.

²⁶⁴ Video footage with the file name “20100519 footage assult 2,” minutes 3-4.

²⁶⁵ BBC news photos and an interview with a foreign journalist conducted on 16 June 2012.

people saw soldiers stationed up on the Victory Monument BTS elevated railway station on the 19th.²⁶⁶

2.3.11.6 Violent incidents in the Rama 4 Road – Bonkai area

On 19 May at about 12:45 a.m., a soldier was shot with a high-velocity bullet²⁶⁷ when he went up to survey the situation from the 23rd floor of the Bliss Hotel on the Park project, which was under construction on Rama 4 Road,²⁶⁸ across from the Lumpini Boxing Stadium. The bullet was fired from outside the area blockaded by the soldiers, from alongside the Rama 4 Road expressway entrance, on the southern side.²⁶⁹ Besides this, early that morning soldiers went in and searched the Kian-nguan Building at the Sarasin-Withayu intersection. They found some muscular men along with materials for homemade weapons and makeshift weapons, and afterward turned the men over to the police.

2.3.11.7 Violent incidents on Rama 1 Road

In the Rama 1 Road areas of Pathumwan and Siam Square, at around 3 p.m. on 19 May the CRES ordered soldiers to move along Rama 1 road to assist firefighters. The soldiers went from the Pathumwan intersection to protect units fighting a fire at the Siam movie theater at around 3:30 p.m., but encountered armed resistance from men in black.²⁷⁰ So the soldiers withdrew and then returned to the area around 5 p.m. This time the soldiers advanced to the Siam station of the BTS elevated train and guards were stationed on the tracks and at the station.²⁷¹ As for the Ploenchit area, at 3:30 p.m. the CRES ordered the soldiers who had been stationed at the Ploenchit intersection to redeploy to the Ratchaprasong intersection.²⁷² The troops arrived at Ratchaprasong around 5 p.m.²⁷³ Not long after, they received orders to withdraw back to the Ploenchit intersection for reasons of safety. The detachment of soldiers stationed on

²⁶⁶ Special investigation case file 306/2553, Department of Special Investigation; and interviews on 23 June 2012 with demonstrators and people who observed the demonstration.

²⁶⁷ Col. Burin Thongprapai, judge advocate with the 3rd Cavalry Squadron of the King's Guard, came in to provide information to the TRCT on June 27th 2010 with soldiers who were on duty during the incident. He said the Department of Special Investigation said the bullet was a high-velocity bullet.

²⁶⁸ Currently the Aetus Hotel.

²⁶⁹ Justice Ministry Memorandum 1009/1385; Summary of the results of the site investigations and collection of evidence for the operations to reclaim area and reduce area on 10 April 2010 and 19 May 2010, by the Forensic Science Institute, page 8.

²⁷⁰ Interviews on 29 March with Special Branch police, who were assigned to safeguard the Siam Square shopping district.

²⁷¹ PowerPoint document "Operations of the security forces on the day of the incident" proceedings of Hearing no. 9, on "The case of the 6 deaths at Pathumwanaram Temple," Tuesday 29 March 2011.

²⁷² CRES directive 0407.45/731, issued on 19 May 2010.

²⁷³ Soldiers who were on duty during the incident, interviewed on 8 March 2012. But security guards and demonstrators who

Ratchaprarop Road under the Airport Link elevated railway station did not move into the area of the Ratchaprasong intersection at all. At the time, about 4,000 demonstrators were at Pathumwanaram Temple.

2.3.12 Incident in the Vicinity of Pathumwanaram Temple on 19 May 2010

2.3.12.1 On 19 May, the CRES agreed to declare Pathumwanaram Temple a sanctuary, as organizations promoting peaceful means requested. A sign reading “Sanctuary” was put up at the temple. The primary goal was to provide a safe refuge for children, women and elderly people. Some demonstrators had been using the area inside the temple compound during the demonstration, and on 19 May some people saw muscular men dressed in black and in camouflage on the temple grounds too.²⁷⁴

2.3.12.2 On 19 May, after the UDD core leaders announced the end of the demonstration at about 1:20 p.m., pandemonium broke out in the area around the stage at the Ratchaprasong intersection. Many demonstrators seeking safety found their way into Pathumwanaram Temple, about 4,000 in all. Later, at around 3:30 p.m., a Special Forces unit coming from the Pathumwan intersection to assist firefighters in putting out the fire at the Siam movie theater had an encounter with two men in black who fired at them near the Chalermphao intersection.²⁷⁵ Afterward, the unit fell back and took up posts at the National Stadium station of the BTS elevated railway. At around 5:30 p.m. they received orders to advance to the Siam BTS station again with reinforcements. This time they took control of the platforms on both levels of the station. Earlier, at around 3:30 p.m., a police officer of the Scientific Crime Detection Division saw two guards from the demonstration carrying things wrapped in cloth, which the officer believed were rifles. They walked down the sidewalk along Henri Dunant Road, on the side of the Scientific Crime Detection Division. At the Chalermphao intersection, they turned right, toward the demonstrators. According to the statement of a Special Branch police who provided information, around that time he rode past Siam Square in a vehicle on Henri Dunant Road. As they turned into the entrance to the National Police Headquarters, across from the Coca suki restaurant, culprits shot after them from the Chalermphao intersection. A group of demonstrators had set up a barricade there from in front of the restaurant across Henri Dunant Road to right in front of the Police Central Investigation Headquarters.

were still in the area in front of the stage at Ratchaprasong provided information that the soldiers from the Ploenchit intersection reached the Ratchaprasong intersection at around 3 p.m. They provided information to the TRCT at Hearing No. 12, on “Instances of arson at various places in Bangkok and the provinces,” held on 19 April 2011.

²⁷⁴ An independent humanitarian volunteer coordinator and a peace worker who were providing services at the temple, interviewed on 2 November 2010.

²⁷⁵ PowerPoint document “Operations of the security forces on the day of the incident proceedings of Hearing no. 9, on “The case of the 6 deaths at Pathumwanaram Temple,” Tuesday 29 March 2011.

2.3.12.3 At around 6 p.m., seven soldiers were stationed on the first-level elevated train tracks, on the side facing Pathumwanaram Temple, and five more were stationed at the Siam BTS station. Each was armed with an M-16 and real bullets. It was found that some soldiers aimed and fired in the direction of the temple. Officers of the Department of Special Investigation who searched that area of the first-level tracks found two casings from .223 (5.56) bullets fired from the same gun, as well as a bullet of the same kind. Additionally, a senior monk at Pathumwanaram Temple reported that he saw many soldiers on the elevated train tracks and in the evening heard many loud gunshots from the area in front of the temple. The monk added that about seven demonstration guards asked to hide in the monks' quarters and left large bag of money there,²⁷⁶ which they returned to take later.

2.3.12.4 Many bullet marks were found on the street near the gates into and out of Pathumwanaram Temple, the iron railing along Rama 1 Road and the outside of the temple wall, with the direction of fire being from the elevated train tracks in front of the temple. Bullet marks on the back wall of the Sinthusek Pavilion were made by bullets fired from the direction of the pedestrian bridge at the Chalermphao intersection.²⁷⁷ Soldiers were stationed in these places, and there is a high probability that they caused the deaths and injuries at the Pathumwanaram Temple. In addition, bullets damaged windows of temple buildings and vehicles parked in the temple.

2.3.12.5 The violent incident at Pathumwanaram Temple on 19 May left six people dead. Mr. Attachai Chumchan was shot in front of the exit gate. The other five people who died were shot inside the temple compound. Two of these people, Miss Kamolket Akahad and Mr. Akaradej Kankaew, were volunteer medical workers who probably were shot near the medical tent close to the exit when they went to help injured people. Mr. Mongkol Kemtong, a volunteer with a rescue unit, was shot when he went to help injured people. All those who died were shot with high-velocity bullets. The order in which they died is as follows:

(1) Mr. Suwan Sriraksa died of a bullet that entered about 5 cm below his left shoulder, in the front, and pierced his lung, heart, liver and ribs. The entrance wound measured 0.7 x 0.5 cm. A bit of metal similar to a copper-plated bullet head was found lodged in an intercostal muscle on his right side. The bullet traveled left to right, up to down, and a little back to front. He was shot in front of the bathroom at the Wattana-Pranee monk's quarters in back of the Sinthusek Pavilion, which adjoins the temple wall on the side of the Siam Paragon shopping mall. Besides these details, police officers of the Central Scientific Crime Detection

²⁷⁶ The monk was interviewed on 16 July 2012 by the Truth-Seeking Sub-commission.

²⁷⁷ Site investigation report CSI-S-5305-126, site investigation team, Office of Site Investigation, Forensic Science Institute.

Division found gunshot residue on Mr. Suwan's hand. However, they admit that the residue could have come from contamination afterward, since they did not take the residue sample from the spot where Mr. Suwan was shot. The Forensic Science Institute, which examined the body at the spot, immediately on the following day, confirmed that they did not find any gunshot residue. Additionally, blood spots were found in the area of a tree in back of the Sinthusek Pavilion. Soldiers said in a statement that a man in black up in a tree at the spot had fired at them and they fired back. An interview and site visitation were conducted with a senior police officer who entered Pathumwanaram Temple early on the morning of 20 May 2010. He provided information that some casings from M-16 bullets had fallen along the inside of the temple railing in front of the Sinthusek Pavilion, and an M-16 was found hidden nearby.²⁷⁸

(2) Mr. Attachai Chumchan was shot in the back on his left side, about 7 cm below his shoulder and 4 cm from his spine. The entry wound had a diameter of about 0.5 cm. The exit wound, on the upper left side of his chest, measured 3.4 x 2.3 cm. The bullet damaged his lung. It traveled from back to front on a straight, level path. He was shot near the exit gate in the front of the temple.

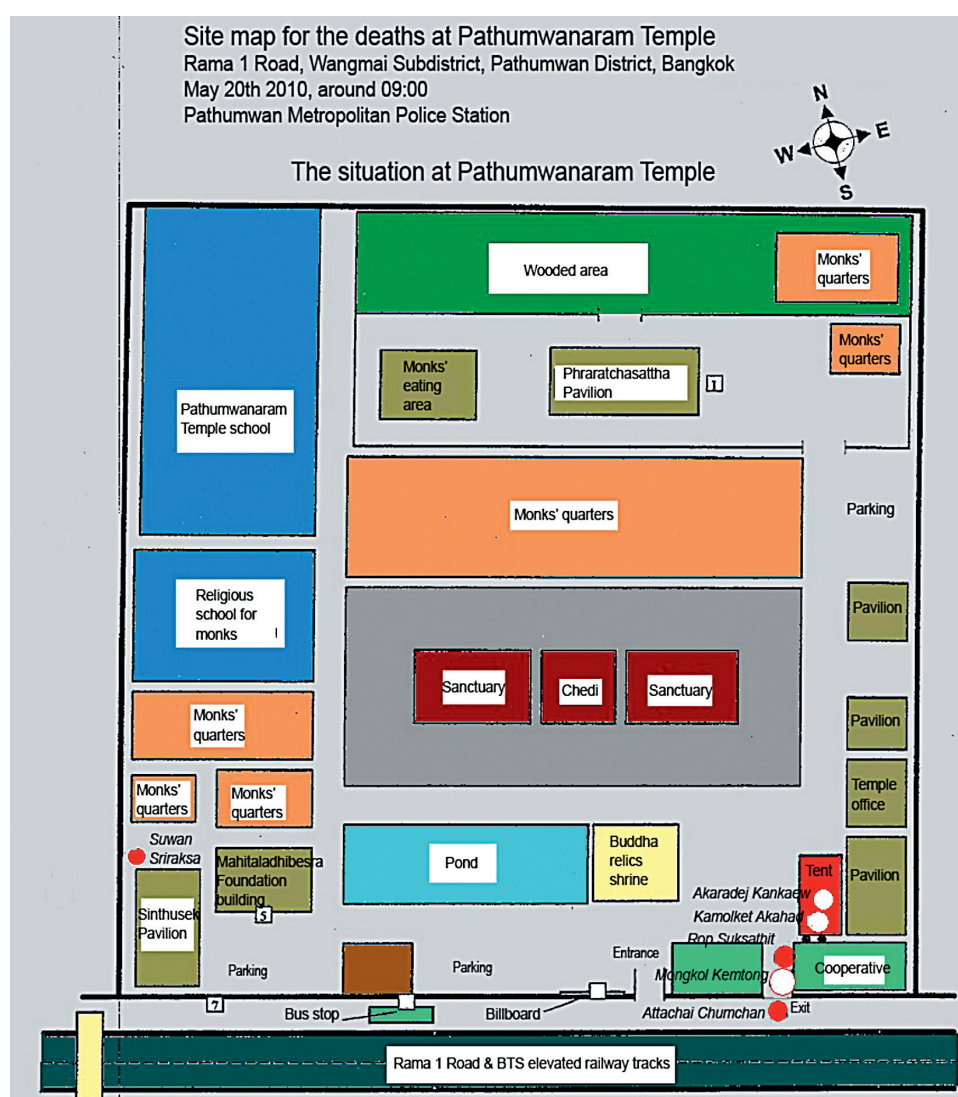
(3) Mr. Mongkol Kemtong was killed by a bullet that made a 3.2 x 1 cm entrance wound on the left side of his chest. Copper fragments found in his shirt and lead fragments in his heart and lung came from a 5.56 mm automatic rifle bullet. The bullet traveled in his body from left to right, front to back, and downward, damaging his heart, lungs and liver. He was shot when he went to help injured people in the area of the temple exit.

(4) Mr. Rop Suksathit was killed by a bullet that made a 3.5 x 2 mm entrance wound on the right side of his chest, 21 cm below his shoulder. Two copper fragments from a 5.56 mm automatic rifle bullet were found in his intestines. The bullet traveled in his body from right to left, front to back, and downward, damaging his lungs and liver. He was shot near the exit gate. Additionally, police officers of the Central Scientific Crime Detection Division found gunshot residue on Mr. Rop's hand. However, they admit that the residue could have come from contamination afterward, since they did not take the residue sample from the spot where Mr. Rop was shot. The Forensic Science Institute, which examined the body at the spot, immediately on the following day, confirmed that they did not find any gunshot residue.

(5) Miss Kamolket Akahad was killed by a bullet that entered her back on the right side, about 12 cm below her shoulder and 10 cm from her spine. The bullet went through her right back muscles and up through the base of her skull, cerebellum and cerebrum on the left side. Metal fragments from a 5.56 mm automatic rifle bullet were found lodged in her skull. The bullet traveled upward in her body, from back to front and right to left, damaging her brain. She was shot in the medical tent near the exit gate.

²⁷⁸ The interview and visit to Pathumwanaram Temple with the senior Special Branch police officer took place on 13 July 2012.

(6) Mr. Akaradej Kankaew died of bullet wounds. A wound in the area of his shoulder measured 4.5 x 3 cm. A bullet that entered his mouth, below his ear, caused internal bleeding that surrounded his brain. Brain tissue also was bruised by the shock. Lead fragments were found in his mouth and the base of his skull. Copper and lead bullet fragments were also found in the area of his coccyx from a bullet that made an entry wound on his buttocks. The bullet fragments deformed to the point that the size and type of the bullet could not be determined. He was shot in the medical tent near the exit.



Picture 19: This map provides a simplified layout of the Pathumwanaram Temple grounds where the incidents occurred. The red and white dots show locations where people died, the white dots indicating the three volunteer medical/rescue workers. Assembled from information in the full autopsy inquest files.

2.3.12.6 The places where the people are presumed to have died, both the area near the exit gate and in back of the Sinthusek Pavilion, are places that shots could be fired into from the tracks of the elevated train, where soldiers were stationed. But it must be noted that the incidents occurred after 6 p.m.²⁷⁹ and large trees obscure the areas where they occurred. Soldiers testified that there was shooting back and forth between them and men in black.

2.3.12.7 There were marks and cracks similar to bullet marks in five places on the concrete wall and supports under the BTS railway tracks in front of Pathumwanaram Temple for which the direction of fire would have been upward from the area in front of or inside the temple. But police with the Central Scientific Crime Detection Division reported that they did not examine the marks to see if they were bullet marks or not, because they were high up and the officers could not go up to investigate. If the marks were made by bullets, then it is possible that shots were fired from the direction of the temple toward the wall and the train tracks where the soldiers were stationed.

2.3.12.8 Soldiers provided information that at around 6 p.m., in the Chalernpao intersection area, they saw a man in black with an M-16 shoot at soldiers and then run off along the wall of Pathumwanaram Temple. In a video recording of events as soldiers were advancing on Rama 1 Road, in the area under the Siam BTS elevated railway station, on the Siam Center side, a soldier says that a person with a gun was spotted among the elevated railway pillars and he orders the soldiers to take protective measures. Some of the soldiers shoot assault rifles and tear gas, and the sound of gunfire is heard for more than 10 minutes in the video.²⁸⁰ Additionally, bullet marks were found on the SkyWalk elevated pedestrian walkway and on the elevated railway support pillars at the Chalernpao intersection, which is where people saw men in black. The direction of fire was from the Siam BTS station, where soldiers were stationed. And 8 bullet marks found on the 1st level of the Siam BTS station,²⁸¹ where soldiers were stationed, were made by bullets fired from in front of the National Police Headquarters at the Chalernpao intersection.²⁸² Apparently soldiers and men in black shot back and forth at each other. In addition, police reported that they searched the area early on the morning of 20 May and found bloodstains at the Chalernpao intersection from two people who had been dragged all the way to a point just in front of the entrance gate to

²⁷⁹ The sun set at 18:38 on May 19th.

²⁸⁰ Video file “20100519 footage assault 2,” minutes 27-40.

²⁸¹ Report no. 1207 (1209/2553), firearms and ammunition inspection unit, Central Scientific Crime Detection Division, National Police, page 9, and a meeting with the Scientific Crime Detection Division on 13 June 2012.

²⁸² Report no. 1207 (1209/2553), firearms and ammunition inspection unit, Central Scientific Crime Detection Division, National Police, page 9, and a meeting with the Scientific Crime Detection Division on 13 June 2012.

Pathumwanaram Temple.²⁸³ This is consistent with the investigation by the Forensic Science Institute, which also found bloodstains at the Chalermphao intersection.

2.3.12.9 Before the operation to reduce the demonstration area began in May 19, people saw muscular men inside Pathumwanaram Temple and a man they knew to be one of the leaders of the UDD guards too.²⁸⁴ Additionally, a police officer who spoke with three female Chinese journalists who asked him to escort them out of the temple on 18 May said they were afraid to stay in the temple any longer because they had seen weapons there.²⁸⁵

2.3.12.10 On 20 May, police officers who searched the areas where the incidents occurred found an M-16 rifle under a golf cart parked inside the temple in the area of the Sinthusek pavilion, near the front wall of the temple. The gun was one of those that demonstrators had seized from soldiers at the Dindaeng triangle on 14 May.²⁸⁶ On 21 May, soldiers and police who searched the buildings and grounds of the temple found a Thai-made handgun with 300 7.62 mm bullets, 2 tear-gas canisters, and some large firecrackers and “ping-pong” bombs.²⁸⁷ Police also found a cache of weapons and ammunition hidden in the temple grove including an M-16 rifle, 278 of 7.62 mm bullets, 4 anti-personnel hand grenades, 212 of .223 (5.56 mm) bullets and 4 of 40 mm explosive shells for an M79 grenade launcher.²⁸⁸ The police officer who found the weapons explained that based on information provided by a private citizen, police searched the grove and found the items mentioned as well as a UDD guard badge. The weaponry was hidden under the stand of a large Buddha statue in the wooded area of Pathumwanaram Temple.²⁸⁹

²⁸³ Interview with a senior Special Branch police officer on 13 July 2012.

²⁸⁴ A peace activist, interviewed on 2 November 2010; a peace researcher and a peace activist who came to give information to the TRCT on 15 June 2012 and were interviewed by phone on 23 August 2012 for additional information said they saw a man they knew as “Jayak,” another leader of the UDD guards.

²⁸⁵ Interview with a senior Special Branch police officer on 13 July 2012.

²⁸⁶ Interview with a senior Special Branch police officer on 13 July 2012.

²⁸⁷ Explanatory document provided to the TRCT by Mr. Suthep Taugsuban on 27 June 2012, page 225.

²⁸⁸ Summary of the results of the site investigations and collection of evidence for the operations to reclaim area and reduce area on 10 April 2010 and 19 May 2010, by the Forensic Science Institute, page 4, specifies that police found the weapons on 19 September 2010; Justice Ministry Memorandum 1009/1385 “Summary of the results of the site investigations and collection of evidence for the operations to reclaim area and reduce area on 10 April 2010 and 19 May 2010, by the Forensic Science Institute,” Page 4, does not give the date when police found the weapons.

²⁸⁹ Interview with a senior Special Branch police officer on 13 July 2012; “CRES presses Cabinet to approve emergency decree – shocked by weapons find under Buddha statue at Pathumwanaram Temple,” Matichon newspaper, 21 September 2010, http://www.matichon.co.th/news_detail.php?newsid=1285073176&grpid=03

2.3.12.11 It must be noted that the demonstrators who sought shelter inside Pathumwanaram Temple were in a state of great fear that soldiers would come in and massacre them. The soldiers also were in a state of great anxiety that the men in black were hiding in the temple with a large quantity of weapons. This mutual fear and anxiety made it very difficult for medical units to transport supplies or enter the temple to take wounded people out. The fact that the incidents occurred at nighttime and that there were no lights, because the electricity had been cut off, compounded the situation. A representative of the medical units that entered Pathumwanaram Temple on 19 May to treat wounded people and transport them out of the temple provided the following information: We went into Pathum Temple on 19 May because we were informed by telephone that wounded people were stuck inside. But when we checked we found out that the people were terrified that they were all going to be killed. The demonstrators had been told that 1,000 or 2,000 people would be killed to teach them a lesson. ... When we entered to take out the wounded, we were very anxious at first. The soldiers said there were many weapons inside the temple, and that if we entered we might get hit by a stray shot or be taken hostage. They asked us not to go in, but eventually we reached an understanding that we would have to quickly bring out the wounded people. In the end we received permission to go and pick them up at the temple gate. It was late and completely dark. No one dared to bring anyone out to the gate, so we asked permission to go inside. The soldiers were still afraid we would be taken hostage. In the end, wounded people were carried out.”²⁹⁰

2.3.13 Arson in Bangkok

2.3.13.1 During the time of the UDD demonstrations from 12 – 19 March 2010, fires damaged 37 buildings in Bangkok. Three of these were government or state enterprise buildings: the electric power station on Rama 4 Road, the Narcotics Control Board Office, and the Stock Exchange of Thailand. Another 15 locations belonged to banks. These included: Bangkok Bank, 7 sites; Krung Thai Bank, 2 sites; Siam City Bank, 2 sites; Thai Farmer’s bank, 1 site; Government Savings bank, 1 site; and Siam Commercial Bank, 1 site. Besides the banks, another 19 private commercial establishments were affected.

2.3.13.2 Before the burning of the Central World shopping mall on May 19th, fires occurred in places where demonstrators were gathered. In the Ratchaprarop - Dindaeng area at least 5 fires broke out, and in the Rama 4 Road – Bonkai area at least 2 fires. Following

²⁹⁰ Small group meeting on the role and protection of medical and rescue units, 8 June 2012.

the announcement by UDD core leaders on May 19th that the demonstration was over, fires broke out in no less than 30 places. Besides the Ratchaprarop – Dindaeng and Rama 4 – Bonkai areas, these included fires at the Channel 3 television station, the Siam Hospital and nearby areas along Rama 1 Road, stores in the Victory Monument area, and the Big C department store on Ratchadamri Road.

2.3.13.3 The fire at the Central World shopping mall broke out after 2 p.m.²⁹¹ Before this, at around 1 p.m., about 20 demonstrators dressed in black with their faces covered forced their way into the building through the Zen department store door on Rama 1 Road,²⁹² carrying a fire extinguisher. But security guards would not let them continue, and the group left. At around 2 p.m., a group of about 20 demonstrators returned, this time with slingshots, bottle bombs and “ping-pong” bombs. They set fires and threw about 10 tanks of gas inside.²⁹³ After that, a series of loud sounds like explosions occurred around 3 p.m. Exploding hand grenades, which are combat weapons, injured eight Central World employees. One employee recalled seeing a person throwing grenades who was dressed in black with a mask.²⁹⁴ After this, flames engulfed the building, starting at the Zen department store and spreading to other Central World stores. It was 3 a.m. on 20 May before firefighters were able to bring the blaze under control.

2.3.13.4 Soldiers and police entered and searched the Central World building on 21 May at around 12:30 p.m. They found the body of one person, Mr. Kittipong Somsuk, in the Sony Ericsson mobile phone store on the 4th floor, Zone C. The cause of death was smoke inhalation.

2.3.13.5 A photo shows some people believed to be protesters inside the building. Some people are injured. Employees and security personnel of Central World can be seen in the photo too, so it is believed the photo was taken in the afternoon of 19 May.

2.3.13.6 Soldiers received orders to go and ensure the safety of the firefighters at around 3:30 p.m. But they were unable to enter the area because they faced encounters and barricades on the road along the way.

²⁹¹ Police Capt. Piya Raksakul, an officer with the Department of Special Investigation, came and provided information on 19 April 2011.

²⁹² Security guards and a representative of Central World came and provided information on 5 September 2011.

²⁹³ Security guards from Central World came to provide information on 6 September 2011.

²⁹⁴ The Central World employee was interviewed on 10 July 2012.

(1) Concerning the fire at the Siam movie theater, the firefighting unit made it to the Siam BTS station, but they could not enter the theater area due to resistance from men in black using combat rifles, so they fell back to the National Stadium. They were able to return and bring the blaze under control in the evening, but the fire had done extensive damage by then.

(2) Concerning the fire at the Central World shopping mall, the firefighting unit was not able to enter the immediate area because of safety concerns and obstructions. After consultation with high-level Bangkok administrators, and with the soldiers and police, they were advised to enter from in back of the Siam Paragon department store. The firefighters were able to gain access to the area around 9:10 p.m.

(3) Firefighting units in the Ploenchit area and at the National Police headquarters could not attempt to control the blaze, because security personnel at the site said it was not safe to do so. At 9:10 p.m. they were able to enter the area.

(4) At around 10 p.m., 16 fire trucks arrived to help put out the blaze at Central World. The fire was brought under control at about 3 a.m. on 20 May.

2.3.13.7 It was found that both before and during the protests, UDD core leaders made many speeches inciting listeners to burn down buildings. For example:

- "If you seize power, we'll burn the country. Set it on fire, sisters and brothers. I'll take responsibility myself. If anyone wants to arrest you or do anything to you, let them deal with me. If you seize power, burn." And: "They will cause a commotion near wherever they are. For example, if they are near Central World, they will cause a commotion in Central World. If they are near Gaysorn, they will cause a commotion in Gaysorn. If they are near Paragon, they will cause a commotion in Paragon. If tens of thousands of soldiers come, tens of thousands of people, a hundred thousand, will run everywhere, causing a commotion. They will run into things in the stores, scattering them about. And Red Shirts ... only run into expensive things."²⁹⁵

- "Brothers and sisters, when we meet again, if you know they will try to suppress us, you don't have to prepare much to bring with you. Everyone bring one glass bottle each and fill it with petrol. Put in 75 cc to one liter. If 1 million of us come to Bangkok, we will have 1 million liters of petrol. I guarantee, Bangkok will be a sea of fire for sure."²⁹⁶

²⁹⁵ Nattawut Saigua, 27 January and 8 April 2010.

²⁹⁶ Arisaman Pongruangrong, 29 January 2010.

- “They think this strategy will break us up, brothers and sisters, and everyone will scatter and go home. Maybe they will break us up and we will go home, but I will let them know now that fire will engulf every square inch of Thailand.”²⁹⁷

- “Red Shirts in the provinces, listen. You have a duty. I want you to gather at the provincial government center. Wait and if they repress us, whenever it happens, do not hesitate. Gather at the government headquarters in every province. Listen to the broadcast from here. If the screen goes blank, it will mean they have suppressed us. Brothers and sisters, use your judgment and take action right away. The same goes for Central World. You need not fear anything from the people. If the people who have gathered here have bad intentions toward you, you will close the stores and everyone loses. But we have come with good intentions. We have no problem with you.”²⁹⁸

2.3.13.8 They UDD launched parallel protests starting on March 14th in many provinces — Khon Kaen, Udon Thani, Chiang Mai, Chiang Rai, Lampang, Nan, Ubol Ratchathani and Nakorn Sawan. These rallies showed the live People’s Channel (PTV) broadcasts from the big protests in Bangkok, and they also used stage hookups to broadcast video calls from Police Lt. Gen. Thaksin Shinawatra. These parallel events went on continuously, gathering protesters and reporting on the situation of the Bangkok protests through community radio stations operated by UDD supporters in the various provinces. Accordingly, it was found that speeches at the UDD protests, both in Bangkok and in the provinces, as well as the talks Police Lt. Gen. Thaksin made by video link, directed and ordered protesters to gather at the provincial government headquarters in the event that the protests in Bangkok were suppressed. Then, on 19 May 2010, UDD protesters went and set fire to the government headquarters in Khon Kaen, Udon Thani, Ubol Ratchathani and Mukdahan. Protesters also tried to burn the Chiang Mai government headquarters, but authorities blocked them, so they burned the house of Mr. Surachai Chongrak, deputy governor of Chiang Mai, to the ground.

2.3.13.9 Observations

1) As for the question of whether soldiers set the fire, there is no evidence that soldiers did this or were involved in it. It was found that the fire was started after 2 p.m., not long after the UDD core leaders announced the end of the protest. Protesters were still at the Ratchaprasong intersection at that time, and there were no attempts to stop them from doing anything. The incident took place before the first army unit was able to reach Ratchaprasong,

²⁹⁷ Veera Musikapong, 21 March 2010.

²⁹⁸ Chatuporn Prompan, 3 April 2010.

coming from the Ploenchit intersection, at around 3 p.m. And they received orders to retreat immediately, for safety reasons. Security personnel were able to enter and secure the area only after 9 p.m.

(2) As for the question of whether the burning of various places was a plan of the UDD, it was found that some of the people involved with it prepared materials used to start fires, and that some fires were started purposefully. For example, when fire burned the Khon Kaen provincial government headquarters, a group of individuals went in and started the fire. But there is no evidence implicating the UDD core leaders directly. The fire at the beginning of Ngamdullee Street probably was related to the activities of the men in black. Arson at the government headquarters and other places in several provinces — Ubol Ratchathani, Khon Kaen, Udon Thani, Mukdahan and Chiang Mai — probably was instigated by some community radio stations.

(3) As for the question of whether the various arson attacks arose out of rioting brought on by provocative rally speeches over a long time and frustration at the core leaders ending the protest, it was found that the provocation was a factor that primed some protesters to commit violence including arson. And whether protesters or other people started the fires, whether there was preparation or not, protesters joined in. It is believed that the provocative conditioning was a major reason why the wave of arson attacks started and grew more violent. Nonetheless, in a number of cases, as in Bonkai, some protesters or local residents tried to prevent the arson or helped put out the fires. But other protesters obstructed them, and men in black even shot at some local resident who tried to put out blazes, as happened with the fire at the beginning of Ngamdullee Street, across from the Bonkai community, and in other places.

(4) The body of a person who died of smoke inhalation was found in Central World. Another person was shot and killed in Khon Kaen while trying to force his way into the house of a former National Assembly member. Security guards probably shot him. Two people were shot and killed in Udon Thani around the provincial government headquarters, as the fire was breaking out there. The direction of fire was from an area where security personnel were stationed.²⁹⁹

(5) It was found that people took opportunities, as usually happens in riot situations, to go into and take merchandise from stores. This happened to stores in Central World, the Center One shopping mall, convenience stores and other establishments.

²⁹⁹ Report of Investigation Sub-commission 5, incidents in Khonkaen and Udon Thani provinces, page 26.

2.4 Regarding the Appearance of “men in black” in Demonstration Areas, Who Used Violence and Combat Weapons

2.4.1 Violence on April 10th 2010

2.4.1.1 It was found that men in black carrying weapons were seen before the soldiers were attacked with grenades. At around 5:30 p.m., a foreign journalist saw a group of five men in black carrying AK-47 and M-16 automatic rifles, an M-79 grenade launcher and handguns.³⁰⁰ Among them were close acquaintances of Maj. Gen. Khattiya Sawasdipol (Seh Daeng). They were sighted near the beginning of the street in back of the MacDonald’s, which leads out to Tanao Road in back of the Government Lottery Office building (Langakhankongsalak Street). After the explosions, at 8:37 p.m., a foreign journalist saw a man in black with an AK-47 in the same area, and took a photo. Earlier, at around 7 p.m., people saw two or three men in black with combat weapons get out of a white van in the Democracy Monument area, on the side of the Muang Boran bookstore and the Methawalai (formerly Red Arrow) store. UDD guards surrounded and escorted the men toward the MacDonald’s, and would not let anyone take photos. Some of the protesters said, “They’ve sent people to help us,” but the guards stopped them and told them not to say anything about it. Additionally, a white van appears in footage taken by closed-circuit TV cameras near the protest, with the time recorded as 20:29. Following the violent encounter, soldiers saw a white van drive around Trithotsathep Temple. Inside the van they saw people dressed in black and holding combat weapons. A photo also surfaced of a man in black carrying an M-79 grenade launcher and standing next to a white van that was parked in an area occupied by protesters.

2.4.1.2 During the time of the violent encounter (roughly between 8-9 p.m.), investigators from the Bangkok Metropolitan Police Headquarters saw four men in black carrying AK-47 and other rifles come out of Tanao Road, on the side of the October 14th Memorial and enter the crowd of demonstrators around the Kok-wua intersection. They also seized an M-79 grenade launcher from a man dressed in black in the area of the intersection, on the side of the October 14th Memorial. A photo shows two or three men in black in the Kok-wua intersection area, in front of the Burger King near the Soi behind Government Lottery Office, firing combat rifles toward where soldiers were stationed on Tanao and Khaosan roads. It is believed that a man in black who was mixed in with the protesters at the Kok-wua intersection used an AK-47 to shoot at what he suspected was a person firing a combat rifle from a third-floor balcony of

³⁰⁰ The foreign journalist was interviewed on 22 October 2010 and 29 December 2010.

the Government Lottery Office at the intersection.³⁰¹ Bullet marks were found on Tanao Road from bullets that were fired toward areas on Tanao and Khaosan roads where troops were stationed. The direction of fire was from the Kok-wua intersection and from Tanao Road in front of the Burger King. Bullet marks were also found on the outer walls of balconies of the lottery office. Additionally, explosion craters on Tanao Road were made by grenades fired from the direction of the Kok-wua intersection.³⁰²

2.4.1.3 The death of Col. Romklao Thuwatham probably was caused by an M67 grenade thrown from inside the compound of a house located at the beginning of Dinso Road, opposite Satri Withaya School, near the spot where an explosion crater was found and where Col. Romklao was hit by shrapnel.³⁰³ The caretaker of the house explained that before the violence occurred, a number of protesters climbed over the property wall into the compound from the Democracy Monument traffic circle. They left via the back of the property. The next day, on 11 April, the caretaker found 2 curved pieces of metal that looked like pictures the Central Scientific Crime Detection Division showed of hand-grenade throwers. They were found in the yard of the house. Two men who claimed to be security officers but were dressed as civilians went there that morning and asked to go in and search the property. They took the pieces of metal with them.

2.4.2 Violent Incidents in the Rama 4 Road – Bonkai and Ratchaprarop Road Areas

2.4.2.1 During April and up to 18 May 2010, many M79 grenades were fired into Silom Road and around Lumpini Park. For example, they were fired at protesters of the Silom Residents Group on April 22, and at the Lumpini Police Station and police apartments. There is a high probability that the grenades were fired from the Lumpini Park area. After Maj. Gen. Khattiya Sawasdiapol was shot on the evening of 13 May, a foreign journalist saw three men in the King Rama 6 Monument plaza. One was carrying a combat weapon, and the other two took combat rifles out of black bags. One of them shot his weapon in the direction of Chulalongkorn Hospital.³⁰⁴ Police investigators later detained a suspect who admitted during

³⁰¹ Video footage appeared to show a sniper firing from a 3rd-floor balcony of the old Government Lottery Office at the Kok-wua intersection. An examination concluded that it was probably a tree, and that what looked like smoke coming from a gun barrel was dust produced by AK-47 bullets hitting the concrete wall of the building.

³⁰² Report 0857(0822)/2553 by the firearms and ammunition investigation team of the Central Scientific Crime Detection Division of the National Police, page 9/10.

³⁰³ From an interview on 6 June 2012 with the caretaker of the house, and from Site Investigation Report Aor. 336/2553 by the Central Scientific Crime Detection Division of the National Police.

³⁰⁴ The foreign journalist was interviewed on 4 August 2010.

questioning that he was a close associate of Maj. Gen. Khattiya and had fired a Tavors gun at the Dusit Thani Hotel and Chulalongkorn Hospital during the incident that night.³⁰⁵ Also, soldiers who went into Lumpini Park on May 19th to take control of the area had an encounter with men in black that lasted about 30 minutes.³⁰⁶ So it is believed that men in black probably were operating in Lumpini Park.³⁰⁷

2.4.2.2 During the violent incidents in the Rama 4 Road – Bonkai area during the blockade from 14 – 18 May, people saw a group of at least five men in black armed with combat rifles and M79 grenade launchers. They claimed to be subordinates of Seh Daeng. They moved around various streets in the Bonkai area and Ngamduplee Street, supervising protest guards. It is believed that they were the group that used combat weapons to attack the soldiers. People provided information that some police officers in the area ordered people not to let anyone else know about the men in black. Then, on the afternoon of 19 May, local residents were fired upon in the area in front of the PTT petrol station as they tried to drag a water hose from the station to put out a fire at the Thai Farmers' Bank building across the street. The shooting came from Ngamduplee Street, which was outside the blockaded area and under the control of protest guards and the men in black. Besides this, video footage shows a man dressed in black mixed in with protesters in Ngamduplee Street firing something, which an expert said was probably an M79 grenade.³⁰⁸ A photo also shows a man dressed in black carrying an M-16. Throughout the period of the blockade from 14 – 18 May, combat rifles and many M79 grenades were fired at the army lines.³⁰⁹

2.4.2.3 In the Ratchaprarop Road – Dindaeng area between about 8 – 10 p.m. on 14 May, M79 grenades and RPGs were fired at soldiers stationed on Ratchaprarop Road from in front of the Indra Hotel to the Airport Link station. During this time, a foreign journalist saw a group of three men in black in a tent on the bridge across Saensaep Canal, inside the area barricaded

³⁰⁵ Investigation report for Special Case No. 18/2553, Department of Special Investigation.

³⁰⁶ CRES document "Restoring peace and order in demonstrations in Bangkok and the surrounding area," page 55. Soldiers who were on duty in the park said during interviews that there was no encounter. It is possible that various army units were operating in the same area. There is video footage of protesters using objects as shields, seemingly against bullets being fired from the direction of Lumpini Park, as they try to help Mr. Thawil Khammun. There is also other video footage identified as from BBC News that shows men in black firing assault rifles into Lumpini Park, and a foreign journalist who was present during the incident provided information that the video shows events that took place on 19 May.

³⁰⁷ Together with an article by foreign journalists published by Asia Times Online that reports there were men in black in Lumpini Park. See Kenneth Todd Ruiz and Olivier Sarbil's "Unmasked: Thailand's men in black," Asia Times Online, <http://atimes.com/at...a/LE29Ae02.html> 29 May 2010.

³⁰⁸ Video footage from Agence France-Presse, and an interview on 13 June 2012 with a weapons expert who viewed the footage.

³⁰⁹ Army representatives came to provide information and soldiers who were on duty during the incidents were interviewed.

by the demonstrators. The men carried black plastic trash bags into the tent. Then one man carrying an M79 grenade launcher walked off toward Pratunam. Two minutes later, loud gunfire erupted and the journalist heard two or three explosions. Demonstrators let out a cheer. These men in black were able to enter and leave the demonstration area without being searched, and the journalist said one of them was well known to the guards and demonstrators, and probably was associated with Seh Daeng. Later, around 11:15 p.m., an M79 grenade exploded in the Dindaeng triangle area. Throughout the blockade from 14-18 May, many M79 grenades and RPGs were fired at the soldiers stationed from the Pratunam area to the Makkasan intersection, and it is believed that men in black also were active firing guns at the army lines. Soldiers' accounts were corroborated by the results of site investigations, which found four bullet marks on the metal framework of the pedestrian bridge across Ratchaprarop Road near the Shell petrol station that were fired from the direction of the Dindaeng triangle, where protesters were gathered. The bullets were fired toward the Makkasan intersection, where soldiers were stationed.

2.4.2.4 During the operation to reduce the protest area on 19 May, at about 1:30 p.m., after the UDD core leaders called an end to the protest, many M79 grenades were fired at the soldiers who advanced from the Saladaeng intersection up Ratchadamri road and stopped at the edge of Lumpini Park at the Ratchadamri-Sarasin intersection. It is believed they were fired from Ratchadamri Road between the Ratchadamri-Sarasin and Ratchaprasong intersections.

2.4.2.5 Considering the incidents and the activities of the men in black from the beginning, it is believed that the men in black were mixed in with the demonstrators and acted in cooperation with a faction of the protest guards and with the knowledge or support of some of the UDD core leaders, especially during incidents on April 10th, in the Rama 4 Road – Bonkai area and on Ratchaprarop Road. They used the chaotic confrontations between protesters and security forces as well as smoke from burning tires to conceal their use of combat weapons to attack the soldiers.

2.4.3 Speeches Made on Stage in January 2010 Relating to “independent armed forces”

It was found that a rally speech in January 2010 mentioned “unknown armed forces” that were ready to help the protesters. They were cited as one facet of the “triple gem” of the struggle: political parties, the masses and armed forces. Other protest leaders did not give any indication that they rejected or did not agree with this, except that the UDD announced that Maj. Gen. Khattiya Sawasdipol was not involved with the UDD. But Maj. Gen. Khattiya played roles that the protesters welcomed, and it was also apparent that some UDD core leaders and a faction of the guards maintained a relationship with the general. He played

a large and steady role in the UDD protests, especially with the UDD guards. Maj. Gen. Khattiya spoke publicly many times about the men in black, or “ronin warriors,” in the sense that they had come to help the protesters. Add to this that various suspects arrested by police admitted during questioning that they had used combat weapons and were involved with Maj. Gen. Khattiya, who even spoke once onstage at the UDD rally about the “triple gems” of the struggle as comprising the political parties, the masses and the “independent armed forces.” He gave many comments and interviews about the “the unknown armed forces,” both in the mainstream media and media that supported the UDD. The general was also seen walking around inspecting the UDD guards and the barricades protesters erected around the protest site, especially at the Saladaeng and Chalermphao intersections.

2.4.4 Instances of Sabotage and Destruction

Before and during the UDD protest, there were many instances of sabotage and destruction in Bangkok and nearby areas using bombs, explosive shells, and combat rifles. Instances also occurred in Chiang Mai Province. The incidents and methods indicate that the violence probably was carried out by a single group of people.

2.5 Findings Concerning Demonstrations between March and May 2010

2.5.1 The UDD rallies were political protests against coups and interference in politics by people with power outside the system, who the UDD called “ammats,” or the elite overlords. They also opposed discriminatory and unfair treatment that the UDD referred to as a “double standard,” and rejected the government under the leadership of Mr. Abhisit Vejjajiva, the prime minister and head of the Democrat Party. The rallies demanded that the House of Representatives be dissolved to make way for new elections. According to the protesters, the government came about through military interference and was a direct consequence of the coup on 19 September 2006 in violation of democratic principles. The UDD announced that it would mount its protests peacefully and without weapons. Before the large protest in Bangkok, the UDD staged rallies in many provinces to spread its ideas and its approach, and to gather a mass of people who would travel to protest together in Bangkok. Then, on 14 March 2010, on the stage the protesters set up on Panfah Bridge, the UDD formally announced a demand that the government dissolve parliament within 24 hours.³¹⁰ If the government did not meet its demand, the UDD would march throughout Bangkok to pressure the government to concede, and it was ready to

³¹⁰ “UDD declares ‘war of the common people,’ calls for Reds to fight to the death, announces action to dissolve parliament, gives 24-hour deadline for response,” http://www.matichon.co.th/news_detail.php?newsid=1268541012&gpuid=00&catid, Matichon, 14 March 2010.

fight until its demand was met.³¹¹

2.5.2 The protest rallies in Bangkok started on 12 March in the Panfah Bridge area of Ratchadamnoen Road. The protest area extended along Ratchadamnoen from the Misakwan intersection past the Makhawan Rangsang Bridge, Democracy Monument and Kok-wua intersection on Middle Ratchadamnoen all the way to the base of the Somdej Phrapinklao Bridge, on the Bangkok side of the river. It spread over all lanes of Ratchadamnoen Road. On 3 April, a section of the protesters started to rally at another site, the Ratchaprasong intersection.³¹² They announced that this rally would last three days, but on 4 April they announced that both rallies, the one based at Ratchaprasong and the one based at Panfah Bridge, would continue indefinitely, until the prime minister dissolved parliament as demanded by the protesters. Then on 14 April, all the protesters moved to the Ratchaprasong site. They occupied all the lanes of Ratchadamri road from the Saladaeng intersection, on the King Rama VI Monument side, to the bridge over Saensaep Canal, before the Pratunam intersection. The protesters also spread over all the lanes of Rama 1 Road from the Pathumwan intersection to the Ploenchit intersection. A stage was erected at the Ratchaprasong intersection, and protesters put up tents all over the road surfaces in the area. Additionally, the Ratchaprasong rally set up a systematic security network of guards and clearly defined the protest area. On 20 April, protesters began erecting barricades of automobile tires and sharp bamboo poles at the Saladaeng, Pathumwan and Chitlom intersections, and on the bridge over Saensaep Canal. Between 80,000 and 100,000 people joined the protest. The security unit, or guards, set up checkpoints around the perimeter to ensure that people from outside did not bring weapons or other illegal items into the area. News outlets reported that some guards detained and beat people they suspected of having weapons,³¹³ even officers of the state performing their duty.

2.5.3 During the Bangkok rallies, contingents of protesters would go en masse to various other places. For example, on 15 March, part of the rally moved to the 11th Infantry Division base. On 27 March, protesters went out to 8 places around the Ratchadamnoen protest area

³¹¹ “UDD gives 24-hour deadline to dissolve parliament,” <http://www.thairath.co.th/today/view/70739>, 15 March 2010; <http://www.thairath.co.th/today/view/70739>, 14 March 2010; <http://archive.voicetv.co.th/content/9697/>

³¹² The Ratchaprasong intersection and surrounding area is economically important. It is a main commercial center, and many countries have their embassies here.

³¹³ (Footnote #313: Department store employee files case saying UDD guards surrounded and beat him, <http://www.thairath.co.th/content/pol/78891>, April 25th; Young man working as interpreter files case charging that UDD guards beat and injured him, <http://news.sanook.com/923522/>; information from Mr. Sunai Pasook (Human Rights Watch).)

to pressure soldiers to return to their barracks. On April 6th, they went out along Route 11, the Bangkok Ring Road, which the CAPO (Centre for the Administration of Peace and Order) did not allow them to do. On 5 April, protesters went in groups to buildings in the Government Center, where the offices of the Election Commission are located, and on April 7th part of the rally went to the parliament building. Additionally, blood was collected from the protesters and poured out at various locations, together with the performance of black magic rituals and curses. For example, on 16 - 17 March, protesters poured blood in front of the Government House gate, at the Democrat Party headquarter and at the prime minister's house. Blood is usually taken in the treatment of people who are ill or as donations for medical use, but this was a political protest. And drawing the blood could have been dangerous for the people who took part. The act of pouring out protesters' blood in various places had a psychological effect on the general public. People felt frightened and saw the action as a symbolic form of violence. It also generated concern among public health officers, who had to make sure the blood did not get mixed in with the public water supply.³¹⁴

2.5.4 Speeches that Fostered a Climate of Violence

It was found that before the big protest in Bangkok, UDD core leaders made many speeches on rally stages in the capital and in various provinces that appeared to incite, suggest or support the use of violence. This continued up to the March-May protests, during which similar speeches also were made. Video footage shows that most people who attended the rallies approved the content of these speeches, clapping their hands and shouting their support. No one expressed disagreement, either among the rally participants or the other speakers. And none of the core leaders, who organized and led the protests, opposed or tried to prevent the use of violence. Following are excerpts of the speeches referred to, in chronological order.

³¹⁴ (Footnote #314: "Tests on Red Shirt blood samples find dangerous viruses," Khaosod newspaper, April 1st 2010; http://www.khaosod.co.th/view_newsonline.php?newsid=TVRJM01ERXdPRGt6TXc9PQ==)

Table 1: Speeches that appeared to incite, suggest or support the use of violence

Event	Excerpts from Speeches
Mr. Nattawut Saikua, speaking onstage at a UDD rally in Khao Soidao, Chanthaburi Province, 23-24 January 2010. ³¹⁵	“If you seize power, we’ll burn the whole country. Set it on fire, sisters and brothers. I’ll take responsibility myself. If anyone wants to arrest you or do anything to you, let them deal with me. If you seize power, burn.”
Maj. Gen. Khattiya Sawasdipol, speaking on 24 January 2010 at the UDD rally in Khao Soidao, Chanthaburi Province	“Come April [2009], we were defeated. ... Time passed from April ... until October. The black warriors started to appear. Scouts joined the rally at Sanam Luang. Come November, they came again. They were not the regular guards that Mr. Aree gives stipends to. ... This time fighting and strategy have come together. I mean, when we fought then, we did not fight with the triple gem – parties, supporters and armed forces – because we fought using nonviolence. But without enough control, it became a riot. ... Now an armed force has arisen. It completes the triple gem. It is ready to attack.”
Mr. Arisaman Pongruangrong, speaking on 29 January 2010 in front of the Thai Army Headquarters	“Brothers and sisters, when we meet again, if you know they will try to suppress us, you don’t have to prepare much to bring with you. Everyone bring one glass bottle each and fill it with petrol. Put in 75 cc to one liter. If 1 million of us come to Bangkok, we will have 1 million liters of petrol. I guarantee, Bangkok will be a sea of fire for sure.” “The way the Red Shirts fight is simple, like this: Let the soldiers understand. Let the soldier-dogs who serve the elite know that if they spill even one drop of Red Shirt blood, Bangkok will immediately become a sea of fire. Chatuporn [Prompan] has already spoken to the people in the provinces. He told our brothers and sisters in the provinces that if they did

³¹⁵ (Footnote #315: No information was found that could identify the date with certainty. The comments appear on video and are referenced in “Nattawut says Democrats vilifying Ratchaprasong speeches was nothing new,” June 24th 2011, http://www.matichon.co.th/news_detail.php?newsid=1308907501&gpuid=om&catid=&subcatid=.)

Event	Excerpts from Speeches
	not come, it was not a problem. He told them to stay there, and if anything happens to go to their provincial government center. Then they don't have to wait for any approval, they can raze it to the ground." "As for Bangkok, brothers and sisters, listen well. Once, during Black October [1992], they tried to use soldiers to suppress the people. But patriotic motorcyclists organized themselves to put traffic lights at various intersections out of service. Chaos ensued. Traffic was jammed all over Bangkok. ... Even GMC trucks could not bring soldiers to get rid of the people then. This time it will be the same. We don't have to bother with them too much; just level the traffic li at intersections. Work together and let the air out of all four tires of cars in Bangkok so they are stuck all over the city. I'd like to know how the army trucks would get through. If the soldiers are really determined to come, they will have to walk. Now just think. How many people and how many soldiers? Do the math. We don't need weapons, brothers and sisters. When we see the soldiers walking toward us, we'll go close to them, 3 to 1. We'll take care of them, tie them up and take their guns. Do this, and I guarantee the Red Shirts will defeat the elite for sure." "Now we have come to the final battle. If we do not win, there are only two other ways this can end, brothers and sisters – prison or death. I want to tell you good news. The last time, the Red Shirts had only political parties and the masses. The other gem we have been waiting for, the independent armed forces, are ready to support and protect the Red Shirts. And they are ready to be the enemy of the army if soldiers hurt the people."

Event	Excerpts from Speeches
Event: Mr. Arisaman Pongruangrong, speaking on 31 January 2010 at the UDD rally in Khon Kaen province.	“Brothers and sisters who will go to Bangkok, prepare yourselves. The most important things are clothes and food, dry food, and 1 glass bottle each. One million of us will go to Bangkok. We don’t need to fill our bottles with petrol in Khon Kaen. Buy the petrol in Bangkok, 1 liter per person. ... One liter to negotiate with Mr. Abhisit Vejjajiva: ‘Are you going to give the 1997 Constitution back to the Red shirts or not?’ One liter to tell the elite: ‘If you slaughter the Red Shirts, spill even one drop of their blood, it means you will no longer be alive on this earth either.’”
Event: Mr. Suporn Atthawong (“Rambo Isan”), speaking on 11 March 2010 at the UDD rally in Udon Thani Province.	“If and when something happens ... As for the people in the provinces, regional core leaders target the provincial government headquarters immediately. For sure it will be very cold when you go into the headquarters that night in Udon. You will have to start a fire and warm yourselves a bit.” “It is Mr. Chatree of Bangkok Bank, that lackey of the elites, who is providing the money to oppress us.” “And overlord Prem’s end will not be any different than that of the leader of Iraq, Saddam Hussein. That means the people must hang overlord Prem, from a golden tamarind tree in Sanam Luang. Because he has destroyed the nation and the people, and ordered the army to massacre the people for a second time.”
Mr. Arisaman Pongruangrong, speaking on 11 March 2010 at the UDD rally in Khon Kaen Province.	This time we will settle our account with the government of the tyrant Abhisit Vejjajiva and all the old elites. You don’t have to warn that important places will be sabotaged. You don’t have to spread such rumors about Muslim worship places, hospitals and Ratchawithi Road, bridges over the river, Siriraj Hospital, airports, Government House, important ministries, the Bank of Thailand and commercial banks, army bases, houses of important people,

Event	Excerpts from Speeches
	and courts, and independent organizations. You don't have to say anything. But if you use violence against the Red Shirts, know for sure that none of these things you mentioned will be left in Thailand."
Mr. Arisaman Pongruangrong, speaking on 16 March 2010 from the UDD stage at Panfah Bridge.	"But if tomorrow the elite are still around and Abhisit has not relinquished power, then tomorrow will be my day and mine alone. Today the people gave blood. Tomorrow if the elite do not stop, if Abhisit still does not dissolve parliament, I will bring back their blood, their heads, to wash our feet. The bastard Thep [Suthep]! The bastard Mark [Abhisit]. Shameless bastards! Black-hearted bastards! Listen well! Today the people have given their blood, 1 million cc, to ask you to return democracy to the land, to the people across this land. If tomorrow you still do not realize that democracy belongs to the majority, I will ask to bring an army to the houses of the prime minister and other Cabinet ministers, because I want to see if the evil blood in their heads is bright red like the blood of the Red Shirts or not.
Mr. Veera Musikapong, speaking on 21 March 2010 from the UDD stage at Panfah Bridge.	"You want to use violence. You want to take care of these core leader bastards. We are ready for you any time, any minute. We don't want our brothers and sisters to be distressed. And you think this strategy will break us up, and everyone will scatter and go home? Maybe you will break us up and we will go home, but I am letting you know now that fire will engulf every square inch of Thailand."
Mr. Chatuporn Prompan, speaking on 3 April 2010 from the UDD stage at the Ratchaprasong intersection.	"Red Shirts in the provinces, listen. You have a duty. I want you to gather at the provincial government center. Wait and if they repress us, whenever it happens, do not hesitate. Gather at the government headquarters in every province. Listen to the broadcast from here. If the screen goes blank, it will mean they have suppressed us. Brothers and sisters,

Event	Excerpts from Speeches
	use your judgment and take action right away.” And: “The same goes for Central World. You need not fear anything from the people. If the people who have gathered here have bad intentions toward you, you will close the stores and everyone loses. But we have come with good intentions. We have no problem with you.”
Mr. Nattawut Saikua, speaking on 8 April 2010 from the UDD stage at the Ratchaprasong intersection.	Whoever is crazy enough to think to come in here, look around. Look in all four directions. Because next to us are shopping malls that don’t belong to me. They belong to rich people. If the protesters are sleeping comfortably and someone comes to disperse them, they might be startled. They might run through the glass windows of stores. Who will take responsibility? Because there is Central World, Paragon, Gaysorn Plaza. People will have to run for shelter. They might drive cars inside too, because they are so shocked. If I were the owner of a shopping mall, I would call up Gen. Anupong [Paochinda] and tell him not to come. Because if he comes I will lose everything for sure.” And: “Sleep well. Boom! Central World. So stubborn. Boom! Gaysorn. Boom! Paragon. Just like that. This is the way. If you are startled, run into the stores. The shopping malls are concrete, right? Big cement blocks. As for me, if I am surprised, I won’t run into cement. Usually, when I am startled, I run and look for windows. But when I find windows, I won’t just keep running through them. No. I’m not the character in the movie Thaweeppop, who can jump through a mirror. So if I am really startled, I can’t just run through. I have a rock or a board in my hand, and I throw it through. I don’t think about it. And from what I have seen, the Red Shirts are easily startled, at least 100,000 of them, I’d say. And I’ve seen the symptoms. They don’t all behave in the same way when they are startled. For the most part, they will cause a commotion near wherever they are. For example, if they are near

Event	Excerpts from Speeches
	Central World, they will cause a commotion in Central World. If they are near Gaysorn, they will cause a commotion in Gaysorn. If they are near Paragon, they will cause a commotion in Paragon. If tens of thousands of soldiers come, tens of thousands of people, a hundred thousand, will run everywhere, causing a commotion. They will run into things in the stores, scattering them about. And Red Shirts, when they are startled, only run into expensive things.”
Mr. Suporn Atthawong, speaking on 6 April 2010 from the UDD stage at the Ratchaprasong intersection.	Mr. Suporn Atthawong (Rambo Isan) gave a speech in which he ordered Red Shirts in the provinces to take over and burn provincial government centers and district headquarters if the protest at the Ratchaprasong intersection is dispersed. He said they would fight like bees from a broken hive.³¹⁶
Mr. Arisaman Pongruangrong, speaking on 8 April 2010 from the UDD stage at the Ratchaprasong intersection.	In a speech, Mr. Arisaman Pongruangrong threatened mass media which side with the government, both newspapers and TV stations that it. If the Red Shirts won, they would take their revenge on those that were not neutral, especially Channels 3, 5 and 7, Modern Nine and NBT.³¹⁷
Mr. Chatuporn Prompan, speaking on 10 April 2010 from the UDD stage at the Ratchaprasong intersection.	– Mr. Chatuporn said that if the elevated train was used to bring soldiers to kill the people, he would immediately make the train go off the tracks, and he would have the Red Shirts detain anyone who drives a vehicle bringing soldiers.³¹⁸ – It happened that on 27 April, some protesters placed automobile tires on the platforms at the Chidlom BTS station and turned the CCTV cameras on the platforms so that they could not record video.

³¹⁶ Highlights of the “Red Shirt protest,” 6 April 2010, <http://www.thairath.co.th/content/pol/75561>)

³¹⁷ Highlights of the “Red Shirt protest,” 8 April 2010, <http://www.thairath.co.th/content/pol/75142>)

³¹⁸ The BTS elevated railway stopped service along the whole route on 10 April, <http://traffic.longdo.com/node/19>

Event	Excerpts from Speeches
	This action forced the BTS to stop service. ³¹⁹

Police Lt. Gen. Thaksin Shinawatra, speaking via video link at the Panfah Bridge stage (the video clip, from a news video the CRES produced, does not indicate the date). “Our brothers and sisters in the provinces should go to the provincial government centers. I want to tell the Red Shirts across the country one more time: If any violent action is taken against our Red Shirt brothers and sisters in Bangkok, Red Shirts in the provinces should all go to the provincial government centers.”

Making speeches that foster violence, especially arson as has already been detailed, might amount to criminal acts under the provisions of Article 85 of the Criminal Code:

“Article 85: Whoever advertises or calls for people to break the law by committing an offense that carries a penalty of at least 6 months’ imprisonment, that person shall be liable to a penalty of half the penalty stipulated for that offense.

If an offense is committed because of advertisements or calls as specified in the first clause, then the person who advertised or made the call will receive punishment equal to that of the perpetrator.”

In any event, whether or not proceedings are initiated through the justice system based on the actions cited, the TRCT concluded after listening carefully that this is a reason why the UDD rallies cannot be considered peaceful as they were claimed to be.

2.5.5 Violent Conduct During the Protests

Concerning the UDD protests from 12 March to 19 May 2010, it can be said that in general, the rallies in March and at the beginning of April, before the incidents on 10 April, proceeded without the use of violence. Some altercations did take place with security officers or groups opposed to the UDD as groups of the protesters went around to various places, but these did not turn into violent encounters in which people were killed. Many times that violence did occur at the main protest site and while protesters went around to various places included instances in which protesters used violence first as well as instances in which protesters resisted or retaliated against actions by the other side that included the use of force or weapons. Examples follow:

³¹⁹ News roundup: Reds threaten to lay tires across elevated train tracks, April 27th 2010, http://www.khaosod.co.th/view_newsonline.php?newsid=TVRJMo1qTTFNemN3ToE9PQ==

2.5.5.1 In an incident on 5 April, Mr. Kwanchai Praipana led protesters who forced their way into the building in the [Chaengwattana] Government Center that houses offices of the Election Commission. In another incident, Mr. Arisaman Pongruangrong led protesters who forced their way into the parliament building, forcing Mr. Suthep Taugsuban, the deputy prime minister, to flee parliament out of fear for his safety. In that incident, some of the protest guards and protesters ganged up on and roughed up some of the military police who are always stationed at the parliament, and took their weapons. Afterward, the UDD announced that these actions were not in line with the intentions of the core leaders.³²⁰ During the violent encounter that occurred when protesters forced their way into the Thaicom satellite station in Latlumklao district of Pathum Thani Province, protesters used makeshift weapons and firebombs. Some of them encircled and beat soldiers, and acted in ways that insulted soldiers' dignity. It was found that at the beginning of that incident, leaders of the protesters made speeches that incited the group to break through the army line and enter state and public property. During some incidents, speeches were made encouraging protesters to use force, and to obstruct or take action against security officers. Security officers also were assaulted, as with the incidents at the parliament and the Thaicom satellite station. Following the intrusion into the parliamentary compound, UDD announced that it did not intend this and might review the role of Mr. Arisaman Pongruangrong. But there were no indications of any review process that looked into the role of Mr. Arisaman or of any other core leader who favored violence.

2.5.5.2 Violent incidents on April 10th 2010

1) Even though the rally around the Panfah Bridge stage proceeded peacefully, many incidents occurred on 10 April in which protesters used violence to fight against, obstruct or assault soldiers. For example, Mr. Kwanchai Praipana led protesters to blockade the gate of the Region 1 Army Headquarters. This served to incite protesters to oppose and obstruct the soldiers who tried to disperse the crowd in the Makhawan Bridge area that afternoon using batons, tear gas, shotguns and automatic rifles, as well as the soldiers who tried to take control of the Tanao Road and Dinso Road areas that evening. On Tanao and Khaosan roads, many protesters created a chaotic situation as they used makeshift and homemade weapons, such as

³²⁰ "Chatuporn asserts Red Shirt leaders did not intend to invade parliament, chase off Suthep," from http://www.mcot.net/cfcustom/cache_page/41930.html, February 2nd 2012.

firebombs, to attack soldiers. Some of them used knives and unknown types of guns. The confrontation on Dinso Road was not very violent that afternoon and evening until the men in black attacked the soldiers with grenades and combat rifles, which had the effect of intensifying violence in both the Tanao and Dinso Road areas. Soldiers started firing their assault rifles in the direction of the protesters, and the protesters responded with more makeshift weapons and firebombs. In addition, speeches were made urging the protesters to oppose the soldiers and announcements called on them to join together and go help the protesters at the spots where the clashes were taking place. Even when a number of people had been killed, speeches continued to incite the crowd as already described.³²¹ And there is no indication at all that core leaders on the stage tried to stop the inflammatory speeches, ordered the protesters to stop using violence and acting against the soldiers, or warned the protesters to retreat from the clash sites.³²²

2) While the army forces were withdrawing and sending wounded soldiers to the hospital, protesters blocked the way on both Dinso and Tanao roads and beat some soldiers, especially wounded ones. Many soldiers had to hide in people's houses and other places in the area. Some had to change into civilian clothes. At the same time, however, some protesters tried to intervene and helped the wounded soldiers. Besides this, a number of protesters tried to enter Vachira Hospital, which admitted some of the wounded protesters and soldiers. Because of the nature of the events that transpired, some of the soldiers being treated in the hospital put on civilian clothes and the others were hidden, for fear that they would be harmed, while arrangements were hastily made to transfer some of them elsewhere for treatment. Also, it was found that after the situation on Dinso Road quieted down, protesters manhandled soldiers who came out of an armored personnel carrier and forcibly took them to the rally stage at Panfah Bridge.³²³ Some protesters forced their way into Vachira Hospital to search for bodies of people who had died, because core leaders had asked from the stage for protesters to follow up and check hospitals out of fear that soldiers would snatch away the bodies of people who died.³²⁴

3) In addition, some core leaders and other protesters seized weapons from soldiers and gathered them together at the rally stage for a press conference. And they also forced some soldiers to go with them to the press conference. The events described show, in the first place,

³²¹ From video footage time-stamped around 20:40 of the stage at Panfah Bridge showing speakers including Mr. Suporn Atthawong (Rambo Isan) and Mr. Arisaman Pongruangrong, Working Committee Report #2. Documents, interviews with soldiers, and interviews recorded by the TRCT identify Mr. Kwanchai Praipana, Mr. Yossavaris Chuklom (Jeng Dokchit), Mr. Arisaman Pongruangrong and Mr. Nattawut Saikua as core UDD leaders who appeared at the Ratchadamnoen rally during the incident.)

³²² Until Mr. Nattawut Saikua arrived and announced for the protesters to pull back to the stage area a little after 21:00.)

³²³ THIS FOOTNOTE IS BLANK

³²⁴ This appears in video footage of a speech by Mr. Suporn Atthawong (Rambo Isan), time stamped around 20:40.

that the conduct of some of the core leaders and many protesters was not that of peaceful protest. And once some people started using violence, incidents escalated into melees and riots, with many protesters joining in the fighting and rioting. Another important aspect of the violent clashes on April 10th was that soldiers carried and used combat weapons. And the use of helicopters to drop tear gas down to the protest area made the protesters angry and frustrated, and led them to believe that soldiers were going to harm them. And the actions of the men in black were an important variable in provoking the escalation of violence.

4) One observation concerning the conduct during the incidents on April 10th is that individuals brought materials to cover up closed-circuit TV cameras around the protest area or turn them away to the direction that could not record the events. These individuals and some protesters wore facemasks³²⁵ in the same way as did the men in black who appear in pictures of the events.

2.5.5.3 The period of the blockade from 13 – 18 May and the operation to reduce the protest area on 19 May.

1) It was found that throughout this period, during which soldiers used shotguns with rubber and real bullets, and assault rifles with real bullets to take control of the situation and maintain the blockade in the Rama 4 Road – Bonkai and Ratchaprarop Road – Makkasan intersection – Rangnam Street areas, protesters gathered outside the blockade in the Rama 4 Road – Bonkai and Ratchaprarop – Dindaeng triangle areas. They tried to break the blockade and harassed the soldiers. They used makeshift weapons, such as firecrackers and slingshots, and homemade weapons, such as PVC pipe bombs filled with small, sharp objects, “ping-pong” bombs and firebombs, and handguns to retaliate against the army forces up until the soldiers took control of the Ratchadamri Road area on May 19th. It was found that not only did the protesters use makeshift and homemade weapons to fight the soldiers, but they also built protective barricades of automobile tires and kept these fires burning all the time from the 14th to the 19th, producing smoke that obscured their activities, in order to make it difficult for the soldiers to shoot at them. Additionally, large quantities of automobile tires and materials used to make “ping-pong” bombs, firebombs, PVC pipe bombs and other weapons were brought in to the protesters in the Rama 4 and Ratchaprarop Road areas. Some protesters at the Dindaeng intersection assaulted soldiers on May 14th and took their weapons. Some people also damaged or set fire to various buildings outside the blockaded area including convenience stores and banks. In some instances flames from burning tires set neighboring buildings on fire. Cars also

³²⁵ For example, Mr. Manop Chanchangtong, whom the UDD announced was a rally guard, brought combat weapons seized from soldiers in the Democracy Monument area and presented them at the rally stage. In pictures of this, Mr. Manop is wearing a facemask. And other photos that appeared in the media show people wearing facemasks in the protest area, and mixed in with the protesters.

were damaged and burned, and a petrol truck was taken out onto Rama 4 Road. Such conduct in the first place posed a threat to ordinary people, and it caused great anxiety among them. People panicked and feared for their physical safety, their possessions and even their lives. The situation became like a riot, disturbed peace, order and public safety, and was not a peaceful protest. Additionally, it should be noted that some protesters covered their faces, closed-circuit TV cameras were covered so that they could not take pictures, and lights were destroyed in protest areas.³²⁶ Conduct like this made the public in general as well as the security forces lose trust. In general the actions tended to confirm the belief among the public in general and the security forces that the protesters would use violence.

2) Another important cause of the violence and the use of weapons by each side against the other during the blockade in the Rama 4 Road – Bonkai and Ratchaprarop – Dindaeng areas, and during the operation to reduce the protest area on Ratchadamri Road, was the actions of the men in black, who took advantage of the chaotic situation to attack the soldiers with combat weapons. And the use of combat weapons and real bullets by soldiers in performing their duty, besides generating fear and putting residents and protesters in danger, made the protesters feel angry and vengeful, leading them to retaliate against the soldiers even more violently. Also, attacks on the soldiers by men in black from outside the blockaded area, together with the smoke from the tires that protesters set on fire, prevented the soldiers from making accurate observations. The situation created anxiety and tension among soldiers, which might have affected how they observed the rules of engagement. This will be addressed in the following analysis of crowd control, and the use of force and weapons by the security forces.

2.5.6 The Taking of Weapons from Soldiers by Protesters

2.5.6.1 Weapons were seized from the parliamentary police during the incident at parliament on April 7th, and from an army supply vehicle during the incident on April 9th at the Thaicom satellite station in Latlumklao District, Pathum Thani Province.

2.5.6.2 On 10 April at around 4 p.m., demonstrators led by Mr. Yossavaris Chuklom (Jeng Dokchik), one of the UDD core leaders, seized 35 shotguns with 1,152 rubber bullets, 12 Tavors assault rifles with 700 real bullets and some other munitions from soldiers on the Phrapinklao Bridge. It was found that the State did not recover all these weapons. Additionally, it was found that protesters took weapons from soldiers on the road around Government House, on Dinso Road and in the Democracy Monument area. These comprised 13 Tavors assault rifles, 9 M-16

³²⁶ Details from images of events on 10 April 2010, interviews with journalists and observers, and as recorded in reports on specific events.

assault rifles, 1 [unspecified] assault rifle, 11 shotguns, a .45 pistol and some other munitions. Out of all the weapons mentioned, the state recovered only 3 guns. An M-16 assault rifle was seized during a search at the SC Park Hotel on April 16th, when an attempt was made to arrest Mr. Arisaman Pongruangrong. A Tavors assault rifle was recovered when Mr. Methee Amornwuthikul was arrested on April 22nd. Another gun, along with a large number of bullets, was recovered on 27 May during a search of the Sawasdi Langsuan Inn, near the Ratchaprasong intersection, where some UDD core leaders are believed to have stayed.

2.5.6.3 Soldiers were surrounded and roughed up on 15 April at the Dindaeng intersection, and 2 M-16 assault rifles were taken from them. Security personnel found and seized one of these weapons at Pathumwanaram temple on 20 May.

2.5.6.4 Besides these incidents, it was found that improvised explosive devices were placed along the barricades around the protest area. And after the protest, a large number of homemade, commercially available and combat weapons were found in the protest area. There were also the appearances and activities of the men in black, both in the protest area and in nearby locations, as have already been detailed.

2.5.7 Conduct that Threatened Medical Personnel and Journalists

2.5.7.1 On 29 April at around 7 p.m., Mr. Payap Panket, one of the UDD core leaders, led UDD guards and about 500 protesters in blockading the entrance to Chulalongkorn Hospital. Some of them also entered and searched the hospital, claiming that soldiers were hiding up in the building. This incident caused great alarm and tension among patients, their relatives and hospital employees, to the point that patients were hastily moved elsewhere. Afterward, the UDD issued an apology over the incident. The act of issuing the apology was used to state that the behavior in question was not condoned and went against the direction of the protest, which was committed to peaceful means. With the majority of protesters rallying peacefully and not joining in the incident, responsibility for such actions lies with the protest organizers, who must ensure that the rally proceeds peacefully. If there is suspicion that some individuals without good intentions might nurture violent means that could destroy the peaceful atmosphere of a protest or infringe on the protesters' right to freedom, the core leaders, as the organizers of the protest, and rally participants must cooperate with state authorities in restraining such activity, not proceed with negative consequences, as with this incident, which was illegal.

2.5.7.2 Some protesters and protest guards showed hostility toward journalists. For example, speeches made from the rally stage on 11 April attacked the work of the mass media. Thai mass media were accused of presenting distorted news and working for the elite, and told to leave the protest area. Some guards intimidated journalists, and an incident occurred in which the windows of a Channel 3 vehicle used for live broadcasting were smashed. This incident caused many news agencies to feel the situation was unsafe, and that same evening Mr. Veera Musikapong appealed in a stage speech for protesters to make it easy for journalists to do their job.³²⁷ A press conference on 1 April included threats to raid the Channel 11 television station for reporting bad things about the protesters. At another press conference, speakers dared journalists to go with them and search Chulalongkorn Hospital. One journalist was intimidated and watched because of questions he asked during a press conference on 29 April. On 14 May, protesters surrounded a Thai TV Channel 3 news vehicle at Lumpini Park. Journalists were intimidated at Pathumwanaram Temple³²⁸ on 18 May and chased out of the Dindaeng intersection on 19 May. Besides these incidents, other things that made journalists reporting on the protests from the field feel nervous included protesters making them register for “Dissolve Parliament” armbands on 20 April. Also, some UDD press conferences were broadcast from the loudspeakers on the rally stage, which made the journalists feel they were under scrutiny as they asked questions. These made journalists unable to do their job independently and made them anxious for their safety.³²⁹ Additionally, some protesters forced their way into the Channel 3 television station building and set it on fire while up to 200 people were inside. Protesters also burned the Channel 11 television station in Khon Kaen Province on 19 May. One reason for this behavior was that the protesters thought that the media did not maintain neutrality. Many protesters had this understanding, partly because of speeches from the rally stage attacking many Thai media outlets, both television and print. This was an important factor in stirring up emotions among some people who then intimidated media personnel. In such a situation, the core leaders who organized the protest have a duty to prevent such behavior so that the media can do their job freely, without intimidation or interference.

³²⁷ Referenced from http://www.tja.or.th/index.php?option=com_content&view=article&id=2280:---2553&catid=24:media-center-surveillance-threats&Itemid=24, September 30th 2010, accessed on May 3rd, 2012.

³²⁸ Referenced from Joint Statement of Professional Mass Media Organizations Asking the Core Leaders of the Protesters to Look After the Security and Safety of Journalists, Thai Journalists Association, http://www.tja.or.th/index.php?option=com_content&view=article&id=1647:2010-05-18-11-25-44&catid=24:media-center-surveillance-threats&Itemid=24, September 30th 2010.

³²⁹ Referenced from Report on the State of the Media February–September 2010, Thai Journalists Association, http://www.tja.or.th/index.php?option=com_content&view=article&id=2280:---2553&catid=24:media-center-surveillance-threats&Itemid=24, and information from the Focus Group held May 30th 2012 on the subject of media independence.

2.5.8 Conduct that Destroyed State and Private Property

2.5.8.1 During incidents on April 10th, protesters damaged or destroyed munitions and army vehicles. They burned and stripped parts from personnel carriers and supply trucks on the Phrapinklao Bridge and Dinso Road.

2.5.8.2 Many incidents involving the destruction of property and documents took place. These included the burning of a bus on Withayu Road, the burning of army vehicles in the Ratchaprarop Road – Dindaeng area, and the vandalizing and burning of various buildings, including ships, convenience stores and banks, in the Rama 4 Road – Bonkai and Ratchaprarop Road – Dindaeng areas between May 14th and 19th.

2.5.9 The Large Public Effect of the Protest, Which Was Massive and Long

2.5.9.1 The UDD began its protest in Bangkok on 12 March 2010, and began the rally at the Ratchaprasong intersection on April 3rd, in parallel with the rally on Ratchadamnoen Road. The rallies covered the areas described in section 2.5.2. The Ratchaprasong rally intensified the pressure that the protest put on the government to dissolve parliament quickly because the surrounding area on Rama 1 and Ratchadamri roads is an important economic district. It includes shopping malls, and large and small businesses, and many people make their living there. When the UDD began the protest at Ratchaprasong on April 3rd, it announced that the rally there would last 3 days. But on April 4th, the UDD announced that the Ratchaprasong rally would not end until the government announced the dissolution of parliament. The rally and occupation of the intersection and the traffic lanes of Rama 1 and Ratchadamri roads went on for a long time, without any specified time when it would end. Not only did this cause difficulty for people who had to travel through the area, but it had a huge economic impact of up to 11.275 billion baht, affecting 2,088 business owners.³³⁰ This number includes large businesses, such as hotels and shopping centers, as well as more than 1,000 small businesses. Meanwhile, a large number of day laborers, stall owners and other people lost their daily income. The affects were also felt by tens of thousands of employees, as well as people in general and residents of the Ratchaprasong and nearby areas, such as people who lived, worked or did business on Silom Road, foreign embassies, etc. Traffic was widely affected, not just on Rama 1 and Ratchadamri roads, where the protesters gathered, but also on connecting roads including Rama 4, Withayu, Sukhumvit, Silom, Sathorn, Petchaburi and Phaholyothin roads. Public transport companies in Bangkok

³³⁰ “Ratchaprasong businesspeople point to 30 billion in losses, push for recovery plan for people, country,” May 25th 2010, http://www.matichon.co.th/news_detail.php?newsid=1274802089&grpid=03)

had to announce the cancellation of services along many routes involving 13 streets.³³¹

2.5.9.2 Following on the points mentioned, the Civil Court issued a judgment on April 5th in case Ror. 2/2553. The court said the rally at the Ratchaprasong intersection “blocks and obstructs the use of transportation routes and the use of vehicles by the general public. It affects important businesses and causes hardship and losses to people’s livelihoods and the ordinary conduct of their lives. It restricts people’s freedom of movement and their use of public roads. It creates hardship for the people and affects the security of the kingdom. It abuses the right to assembly by going beyond the limits of Articles 34 and 63 of the B.E. 2550 [2009] Constitution of the Kingdom of Thailand. It is thus an illegal act.” In a judgment issued on April 22 in case 1433/2553, the court that: “The assembly in the public space of the Ratchaprasong intersection covers the area from the Saladaeng intersection on Ratchadamri Road and Rama 1 Road to the Paragon shopping mall. It allows itself to block and obstruct the use of transportation routes and the use of vehicles by the general public. It affects important businesses and causes hardship and losses to people’s livelihoods and the ordinary conduct of their lives. It restricts people’s freedom of movement and their use of public roads. It creates hardship for the people and affects the security of the kingdom. Necessary cause thus exists for the two defendants (the prime minister and deputy prime minister) to take measures to take back the area, or what the plaintiffs refer to as dispersing the assembly, in order for society to return to a normal state and for the establishment of public peace and order” so long as the dispersal of the assembly proceeded using necessary and suitable means, and in ordered stages according to international principles.³³²

2.5.9.3 Protesters marched or went in motorcades to various places, as with many motorcycle caravans. They forced their way into and searched buildings, other properties and vehicles, both private and public. And some groups of protesters committed violent acts that the core leaders did not try to stop, but rather gave overtones of encouragement and support in their speeches. All this created great anxiety among residents and feelings that their privacy, possessions, physical safety and even their lives were in danger.

³³¹ “Public transport cancel routes along 13 streets, Saensaep canal boats will not increase trips,” Krungtheptharakit Online, April 3rd 2010, at <http://www.bangkokbiznews.com/home/detail/politics/politics/20100403/108546/>

³³² Appeal for an emergency restraining order, case no. 1433/2553.

2.6 Use of Force and Weapons in Controlling Crowds and Dispersing Demonstrations

2.6.1 The Centre for the Resolution of Emergency Situations (CRES), operation order no. 1/53 dated 7 April 2010 contains instructions for crowd control as follows: 1) Proceed from light to heavy measures as appropriate and provide warnings; 2) Comply with and consider international humanitarian principles and respect the dignity of human beings; 3) Exercise utmost tolerance and not use violence that could lead to loss of life or damage to property; 4) Bear in mind that the demonstrators are people of Thailand.³³³ Rules for use of force are given in the Appendix along with Order No.1/53 dated 7 April 2010. CRES set the stages for operation for all units to strictly adhere to when performing their duties in maintaining peace and order as follows:

1. Objectives: 1) To guide the use of force in maintaining peace and order and to succeed in the assigned mission under a legal framework that complies with international principles and corresponds to the methods of civilized countries around the world. 2) To have authorities operate in a manner that is proportional and corresponding to the level of violence of the situation. 3) To prevent the use of excessive measures or excessive force and to protect against or prevent injuries to personnel. 4) To prevent excessive danger, injuries, deaths, or damage to property of civilians caused by the operational activities of personnel.

2. The stages in use of weapons and equipment in accordance with Appendix Kor No.2 are as follows: 1) Negotiate with the leaders of the demonstration and request cooperation from the protestors for a peaceful assembly. 2) If they do not consent, inform them using a sound system. 3) In the event the protest is not peaceful, the following light to heavy measures shall be used:

- 2.3.1 Show force by lining up government forces holding riot shields and batons.
- 2.3.2 Warn the protesters that personnel are about to use force.
- 2.3.3 Use shields.
- 2.3.4 Use water cannons or high-powered amplifiers.
- 2.3.5 Use tear gas.
- 2.3.6 Use batons.
- 2.3.7 Use rubber bullets fired from shot guns.

In addition, it clearly explains appropriate procedures, decision points, and prohibitions such as “not to use shields to attack, hit or push demonstrators; when spraying water to aim toward the ground in front of demonstrators, not at their face; to provide warnings before

³³³ Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27,2012, page 78

aiming at the lower part of the body or toward sensitive parts of the body such as eyes and head; to throw teargas canisters at a specified distance from the demonstrators and not to throw them directly at a person; when using batons, not to hit the head, neck or face; to use rubber bullets only when demonstrators threaten government forces or other people; to shoot at the lower part of the body and stand at least 20 meters away from demonstrators, to exercise special caution in order to prevent injury to women, children or elderly people; to provide first aid to those who are injured and send them immediately to a hospital. The rules of force clearly indicate the person in charge at each of stage of the operation. For instance, progressing through the seven stages of operation is carried out under orders from the commander of the area. The use of teargas, batons and rubber bullets requires authorization by the CRES Director.”³³⁴

2.6.2 Furthermore, CRES has set seven operational measures for personnel relating to the use of force: 1) Explain so the protestors understand; 2) Show force so that it is seen that personnel are ready; 3) Push using shields; 4) Use water hoses; 5) Use sound amplifiers; 6) Use tear gas and batons; 7) Shoot rubber bullets from shot guns. If it becomes necessary to use live ammunition, CRES has set the following three criteria: 1) Shoot warning shots in the air; 2) Shoot at the target after determining that the target is a terrorist or any demonstrator carrying a dangerous weapon, a war weapon or a bomb that could injure soldiers, police or innocent civilians; and 3) Shoot to protect the lives of personnel when their life is being threatened and they cannot escape. In any event, it is clearly stated that shooting needs to be in single shots and under no circumstances can it be done as sets of shots or in automatic mode. There will be no use of weapons by personnel that are stronger than the ones they are authorized to use.³³⁵

2.6.3 On April 10, 2010, Suthep Thaugsuban explained that when using weapons, “Step 1 will be to give three verbal warnings using language that is easy to understand in order to provide an opportunity for the perpetrators to stop their action. Step 2 will be to fire warning shots into the air, or to shoot in another direction where it is safe to do so. Step 3 will be to use weapons according to the criteria and conditions of defense which are legitimate, lawful and proportional to the situation. The use of weapons is not intended to endanger lives. Personnel are permitted to skip steps when they are being threatened, when danger is imminent, and when their life or the lives of innocent people are in danger.” Each troop of 100 soldiers will be equipped with 10 weapons.³³⁶ Later, the order was amended for April 10 after 8:30 p.m. and soldiers were allowed to use crowd control equipment according to the steps and to use weapons

³³⁴ Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, page 78 - 80

³³⁵ Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, page 176

³³⁶ Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, page 90

only when necessary to protect themselves and the public according to the following:
“4.3.1) Shoot weapons when there is clear and apparent threat or when people are carrying weapons or behaving in ways which threaten the life of government forces or innocent civilians.
4.3.2. In using weapons, proceed in a manner proportional to the situation. Do not aim to kill the target but shoot towards the lower parts of the body (lower than knees) so as to prevent armed groups from committing acts that are considered threats to government forces and innocent people. Do not use weapons against women or children.”³³⁷

2.6.4 CRES changed its policy after the events of 10 April 2010 and after the appearance of the “men in black” and the injuries that were sustained by soldiers. The main changes that were made to policy were as follows:

2.6.4.1 On April 13, 2010, there was a CRES order from the deputy prime minister / Director of CRES / Operations Commander to those on duty, “Units shall consider using shotguns, which are not acutely destructive and the shots of which can be controlled, for self-protection by personnel and for protection of innocent people” because “armed groups have infiltrated into demonstration crowds”. Criteria for the use of weapons are: “1) Shoot against imminent threats or armed persons that are a threat to personnel or innocent people. 2) Shoot at targets as referred to in No.2.2 within a range of 30-50 meters so as to be able to control the range of the shot and keep losses that will occur proportional to the situation. Do not target women and children. 3) Do not aim to kill. Aim toward the lower parts of the body (lower than knees) to prevent armed groups from committing acts that are considered threats to government forces and innocent people.”³³⁸

2.6.4.2 During the first step, maintain a distance between government forces and demonstrators of at least 150 meters. Erect barriers to prevent direct encounters. If anyone interferes, follow CRES Order No. 1/53, put on body armor and take cover.³³⁹

2.6.4.3 “To prevent armed groups using long-range weapons / snipers to shoot government forces or to shoot demonstrators with the intention of laying the blame on government forces, forces should be arranged to control high places around the area so as to guard against

³³⁷ Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27,2012, page 78
Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, page 112

³³⁸ CRES Order No. KH 0457.45/85, dated April 13, 2010

³³⁹ CRES Order No. KH 0457.45/85, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 120-121

and suppress acts of armed groups.”³⁴⁰

2.6.4.4 Order Kor Hor 0457.45/85 assigned the 1st Infantry Division and the Peace-keeping Regiment to set up checkpoints, interception points, and guard points on expressways in cooperation with the police and had the police forces “consider organizing joint operational forces with TP 1/ KKL according to item 2.2.1 after receiving coordination.”³⁴¹ and “Every military or police officer can use shotguns or pistols, in strict compliance with the rules of engagement set by CRES, to protect themselves or to respond to attacks by criminal groups. All troops must wear armored vests and have a place to take cover in order to protect themselves.”³⁴²

2.6.4.5 Order Kor Hor 0407.45/86 stipulates “2.1 Arrange for police and military personnel . . . to inspect all high points (one squad per location) within a radius of 400 meters of the CRES operation in order to protect against criminal groups trying to use long range / sniper rifles to shoot at CRES personnel. This is to be carried out as of 6 a.m. on April 14, 2010 onwards.”³⁴³

2.6.4.6. Order Gor Hor 0407.45/113 dated 15 April 2010, states that main checkpoints and reinforced checkpoints will be located in areas set by CRES. “2.1.3. Prepare crowd control equipment in accordance with the multiple-step rules on using force such as teargas canisters and high-pressure water hoses in the vicinity of checkpoints. 2.1.4 Every troop on duty around checkpoints must be armed and carry sufficient ammunition to protect himself and the checkpoint.”³⁴⁴

2.6.4.7 Exemptions to the multi-step rules on using force are: In securing the safety of important locations and/or reinforced check points set security area lines that cannot be crossed and set up signs clearly indicating this so the demonstrators know “Weapons will be used as necessary to stop trespassing into the marked security area.”³⁴⁵ Verbal warnings must be given to trespassers except when government forces are shot at or are attacked with weapons

³⁴⁰ CRES Order No. KH 0457.45/63, dated April 11, 2010

³⁴¹ CRES Order No. KH 0457.45/85, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 120-121. However, TRCT has not been receiving detailed information but troops have been located at high level location. Further examination indicated that troops have been placed at Sala Daeng BTS Station, Airport Link Station, 2nd floor of the Muaylumpini Building, Pedestrian Overpass on Rama 4 at U Chuliang Building, Charn Issara Building and CP Tower.

³⁴² CRES Order No. KH 0457.45/85, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 120-121

³⁴³ CRES Order No. KH 0457.45/85, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 122

³⁴⁴ CRES Order No. KH 0457.45/113, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 124

³⁴⁵ CRES Order No. KH 0457.45/113, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 124

first. In this case, personnel can commence armed response or defense immediately. If there are no armed attacks and demonstrators do not heed verbal warnings, personnel should shoot warning shots into the air or shoot in another direction where it is safe to do so. If this is not effective, personnel can use weapons for self-defense or for defending others or their property.³⁴⁶

Later, Order 04707.45/45 (Sor Yor Kor)/130 dated April 18, 2010 consequently added practices for specific incidents where demonstrators attempt to trespass into restricted areas or important locations. CRES established and added details of actions to be taken by allowing personnel to use shields and long wooden spikes to repel trespassers. If it appears that these efforts to repel are not successful, water hoses or loud noise can be used. If demonstrators can still climb the walls/blockade/barricade and there are a small number of demonstrators that not carrying weapons, personnel can arrest the intruders. If there are a large number of demonstrators, use teargas, batons, and rubber bullets in that order. If demonstrators still try to attack the blockades, personnel can use weapons as considered appropriate, starting with blank bullets followed by real bullets. In case intruders are armed with knives, guns, bombs etc., and trespass into the restricted zone, personnel can skip the step using teargas, batons and rubber bullets and go straight to using real bullets. The person in charge in both cases is the Unit Commander or other assigned person.³⁴⁷ Therefore, the order must be permission for soldiers to skip steps and use live ammunition, “If trespassers are carrying weapons such as knives, guns, explosive materials etc., and cross the marked line into a restricted area, personnel can skip the steps of using tear gas, batons or rubber bullets and use live ammunition. In using live ammunition in both these cases, the person with decision authority is the unit commander responsible for that area or a person assigned.”

2.6.4.8 CRES released order Gor Hor 04707.45/45 (Sor Yor Gor.)/130 dated April 18, 2010 adding “personnel who provide first aid to perpetrators according to human rights principles after bringing the situation under control.”³⁴⁸

2.6.4.9 Procedures in special situations according to Order Gor Hor 04707.45/45 (Sor Yor Gor)/130 dated April 18, 2010 added orders and procedures in using force and weapons as follows:

³⁴⁶ CRES Order No. KH 0457.45/113, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 125

³⁴⁷ CRES Order No. KH 04707.45/45 (Sor Yor Gor.)/130, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 131

³⁴⁸ CRES Order No. KH 04707.45/45 (Sor Yor Gor.)/130, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 131

1) For suspects who resist being searched / arrested and are fleeing; shoot warning shots, follow them and suppress using weapons according to the criteria of legitimate legal protection and proportional to the situation.

2) In situations where blatant offences relating to preparation of weapons or explosive materials are being committed in full view of personnel, such personnel can aim their weapons at the perpetrators. If they try to escape, employ close quarter combat techniques, fire warning shots, and shoot them in non-vital parts of the body to gradually force the perpetrators to stop their activities.

3) In situations where blatant shootings of government forces by perpetrators are being committed in full view of other personnel, or where perpetrators are using weapons or explosive materials to attack security posts or important locations as set by CRES, "Personnel can use weapons to shoot the perpetrators in order to stop them but if the perpetrators are mixed in with demonstrators and using weapons may endanger innocent people, personnel must refrain from shooting except if the unit has a marksman with sufficient skill to shoot the perpetrator without causing harm to others. If the unit identifies a target but is not able to shoot the person, such as when the target takes cover, the unit can call for the support of a sniper from CRES."³⁴⁹

2.6.5 Equipment for crowd control and weapons used by government forces on duty that were found include: 1) General riot suppression equipment such as shields, batons, self-protection equipment, tear gas, water spray vehicles, and L-RAD high-frequency sound wave transmitters. 2) Riot control weapons were shotguns and rubber bullets and size 12 shotgun cartridges.³⁵⁰ 3) Regular armed weapons for sergeant³⁵¹ such as various models of M16 semi-automatic rifles, Tavo TAR 21 small machine guns, HK 33 small machine guns, M4 Carbine guns which all used 5.56 x 45mm. bullets, and NATO small arms. 4) Regular issue weapons for Marksmen³⁵² included M16s with telescopic sights. 5) Other types of weapons seen by independent forensic science experts specialized in ballistics in photos and recorded video clips of the violent conflict³⁵³ were SR-25 sniper rifles with 7.62 x 51mm ammunition NATO, M1 Garand shotguns,

³⁴⁹ CRES Order No. KH 04707.45/45 (Sor Yor Gor.)/130, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 131-132

³⁵⁰ Document by Pol Gen Daopong Rattanasuwan, Commander of the Royal Thai Police presented to TRCT on August 10, 2010, P.1, 10-11

³⁵¹ Document by Pol Gen Daopong Rattanasuwan, Commander of the Royal Thai Police presented to TRCT on August 10, 2010

³⁵² Document by Pol Gen Daopong Rattanasuwan, Commander of the Royal Thai Police presented to TRCT August 10, 2010 in compliance with CRES Order No. KH 04707.45/45 (Sor Yor Gor.)/110, dated 18 April 2010, in reference with the presented documents of Mr. Suthep Thaugsuban to TRCT, Page 132

³⁵³ Reference have been made to Thai news agency, International news agency, reporters and some sources were unidentified but have been publishes several times by many parties. Reference have been made to Fabiano RIVA and Matthieu GLARDON, Overview of the weapons sighted during the protests, Attachments documents to Forensic Firearms & Ballistics Examination for

and SSG 3000 sniper rifles which used 7.62 x 51 mm. bullets NATO.³⁵⁴

2.6.6. Ammunition issued to support operations of CRES was as follows:

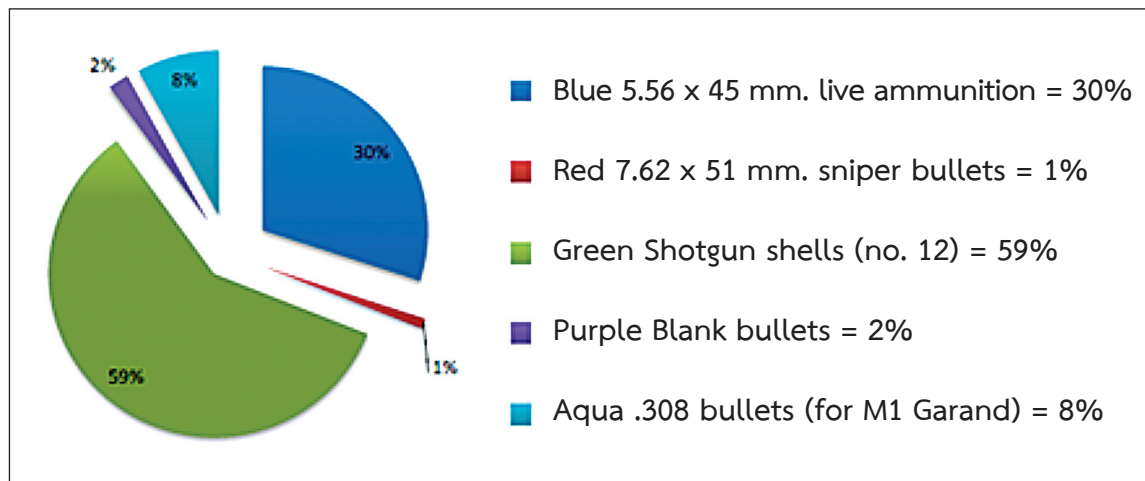


Chart 20 – Proportion of different types of Ammunition distributed to support CRES operations³⁵⁵

The chart above shows that only two percent of the ammunition issued to support CRES operations was blank bullets. In a report on weapons that went missing during the incident on 10 April 2010 many lists show preparation of equipment and weapons which were taken to use in the dispersal of the demonstrations such as tanks mounted with 12.7mm machine guns with 500-600 rounds of ammunition and explosives.³⁵⁶ These are weapons used in wars, not to control or disperse a demonstration. The carrying of such war weapons aroused demonstrators and made it more difficult to control the situation when they seized many of the weapons. In addition, CRES authorized the use of live ammunition according to the conditions already mentioned above. From the photos and video clips of the incident that were released to the public, such as photographs from Thai and foreign journalists, independent ballistic experts could not find any evidence of blank firing adapters.³⁵⁷ Images of empty cartridges being ejected from guns were examined by the forensic experts and the images revealed that the ammunition was live ammunition. Additionally, photos revealed that special equipment was fitted to the guns

the TRCT, June 21st 2012 and document by Pol Gen Daopong Rattanasuwan, Commander of the Royal Thai Police presented to TRCT on August 10, 2010, Page 9, identified the use of SR-25 weapons.

³⁵⁴ Fabiano RIVA and Matthieu Glardon, Overview of the weapons sighted during the protests, Forensic Firearms & Ballistics Examination for the TRCT, June 21st 2012

³⁵⁵ Account summary Sor Por 5 in support with CRES units, approved by Captain Pisaisrikamnerd while monitoring the detective inspection suppression division 5, dated December 20, Document was provided to TRCT by Pol. Gen. Suebsaak Pansura, commander of the Metropolitan police division 5, 12 July 2012

³⁵⁶ Statement made by 3rd Cavalry Squadron on 24 April 2012

³⁵⁷ Fabiano RIVA and Matthieu Glardon, Forensic Firearms & Ballistics Examination for the TRCT, 21 June 2012, page 10

to assist long -distance shots and the use of live ammunition. This equipment included silencers and telescopic sights which increased efficiency and chances of success. They are; however, not necessary and do not correspond to the use of blank ammunition. Therefore, it is believed that the majority of ammunition used was live ammunition.

2.6.7 Operational Procedure on the Use of Force and Firearms by Officials

2.6.7.1 Operational Procedures of government forces during April and May 2010. In the beginning of the demonstration protest, during March up until the incident on 10 April 2010; when confrontations occurred between demonstrators and security personnel, it was found that security personnel decided to withdraw their forces without any clash. For instance, on 27 March 2010 when demonstrators pressured military officials at several military posts close to Ratchadamnern Avenue and on 6 April 2010 in the incident on Ratchadamri Road. On 9 April 2010, government forces used crowd control measures when the demonstrators headed toward the Thaicom Satellite Station to demand that broadcasts of the People's Channel Television Station be resumed. Demonstrators tried to force their way into the station until there was a clash with soldiers who sprayed them high-pressure hoses and used shields, batons, teargas and shotguns using rubber bullets. The demonstrators used imitation weapons such as wood, sharp metal, stones and fire-bombs. Government forces brought war weapons and live ammunition but they kept the ammunition separate from the guns by locking it in a vehicle. The soldiers explained that they had received an order from CRES strictly forbidding them to use weapons against the demonstrators and that the weapons that they had bought with them were only for emergencies. These weapons were seized by the demonstrators and shown to the media before they were all returned to the police on the same day. In the end, the soldiers withdrew from the area. From interviews of many people it was found that pictures widely broadcast in the media of some of the demonstrators overrunning and assaulting soldiers and abusing government forces deeply affected those in the military.

2.6.7.2. Incident on 10 April 2010 (Details appear in specific-case findings report)

1) In the afternoon of 10 April, protesters blockaded the gate of the 1st Infantry Regiment and a clash occurred between the demonstrators and soldiers that came to push them back to the Phan Fah Bridge. In the beginning of the clash, the soldiers used teargas and rubber bullets. It was later found that the soldiers shot in the direction of the demonstrators. Many soldiers shot live ammunition into the air. There is no evidence that any of the demonstrators were carrying weapons at that time or that other individuals carrying weapons had mixed in with the crowd.

2) The vicinity of Tanao Road – Kok-wua Intersection. Soldiers with shields and batons

lined up to force the protestors back along Tanao Road up to the Kok-wua Intersection and positioned forces along Khao Sarn Road and Tanao Road and faced the demonstrators at Kok Wua Intersection and on Dinso Road. Soldiers and armored tanks positioned themselves at the Democracy Monument facing the demonstrators who were around the monument. To force the demonstrators back, the first line of soldiers had shields, batons and shotguns. The back row carried shotguns. A clash occurred on Tanao Road between soldiers and demonstrators using imitation weapons and fire bombs. Some of the government forces were wounded by knives and handguns. Two helicopters came circled above the demonstrators on Ratchadamneon Avenue and around Phan Fah Bridge and released tear gas into the crowd. Another helicopter released leaflets telling the demonstrators to leave the area as soldiers were retaking it.

3) At around 8 p.m., soldiers were attacked with bombs and men in black appeared among the crowd of demonstrators at the Kok-wua Intersection. They shot in the direction of the government forces. An investigation of the site by the Central Evidence Bureau revealed evidence of a M79 grenade fired from the direction of Kok-wua Intersection and marks from bullets fired from Kok-wua Intersection into Kao San and Tanao Roads where government forces were stationed. There were also marks from many bullets fired from Kao San Road and from the Tanao Road traffic circle where soldiers were stationed; close to Bovorniwet Temple; in the direction of the Kok-wua Intersection where there were demonstrators and men in black mixed in with the crowd. Later, CRES released order Gor Hor 0704.45/59 dated April 10, 2010 stating that culprits were firing at government forces and at innocent people . . . so all units should maintain lines in their present position from April 10, 2010 at 8:30 p.m. and consider using crowd control equipment according to the steps employed in using force, including using weapons only when necessary to protect oneself or innocent people.³⁵⁸

4) At about 8:40 p.m., in the area of Dinso Road, a clash occurred when demonstrators threw tear gas grenades and other objects at soldiers. The soldiers who were holding shields, batons, and shotguns shot into the air and at one of the wings of the Democracy Monument. Later, at 8:44:57 the first bomb fell into a group of military commanders that were meeting to discuss a withdrawal of forces. At 20:45:31 a second bomb exploded close to where the first one landed and killed four soldiers. Most of the remaining soldiers were forced to withdraw and carry the wounded to the Wun Chart Bridge. From an examination of video clips and verbal statements from witnesses, including demonstrators and foreign reporters, it was found that some soldiers on Dinso Road around the Wun Chart Bridge were using standard issue assault rifles and firing in the direction of the Democracy Monument where demonstrators were gathered. This finding matches the crime scene investigation report by the Central Forensic Science

³⁵⁸ Document presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, Page 112

Department and Forensic Science Institute who found that bullets fired in the way described were only found on Dinso Road. Of the 120 marks it can be confirmed that 114 were from guns and 42 out of these 114 were fired from a height of less than 170 cm. There were no signs that shooting came from the opposite direction. CRES explained this as cover fire for other soldiers while they were withdrawing.

5) From the facts already presented it was found that soldiers were using assault weapons with live ammunition and after the bomb incident soldiers used the weapons mentioned to shoot in the direction where the demonstrators were gathered. This corresponds to the large number of bullet marks fired from the direction where soldiers were on duty as already explained. Demonstrators found 5.56 x 56 mm. bullet casings which are used with M16s or Tavorss in the area mentioned. Also found were .45 (11mm.) bullet casings from pistols and 7.62 x 51 mm. bullet casings from SR-25 sniper rifles.³⁵⁹

2.6.7.3 Cordoning off areas by government forces between 13-18 May 2010 (Details appear in specific-case findings report)

1) Not long before the dispersal of the demonstration, the government and leaders of the UDD tried to negotiate an end to the demonstration. The UDD demanded that parliament be dissolved and a new election held. The negotiation broke down because they could not agree on a timeframe for the dissolution of parliament and the election (details appear in the facts related to the negotiation). At that time, forces were being positioned around the Ratchaprasong protest area and on high vantage points around Ratchaprasong. CRES had ordered units to position marksmen and CRES organized snipers in case of there were agitators as already explained in 5.4. CRES then ordered additional troops to surround the UDD demonstration area starting at 7 p.m. on May 13, 2010 and ordered public utilities to be cut off and all public transportation stopped as of 6 p.m. This measure prevented entry into the demonstration area as well as pressured demonstrators to end their protest. Throughout the time of this cordoning off from 13-18 May, there were several splinter demonstrations in other areas outside the area cordoned off by government forces, particularly along Rama 4 Road near Bonkai, Wireless Road and along Ratchaprarop Road to the Din Daeng Triangle and at the Victory Monument.

2) During the period of taking control over the area and throughout the time of the cordon it was found that soldiers used shotguns with rubber bullets and live ammunition as well as standard-issue assault rifles with live ammunition. On May 14, it was found that soldiers in the vicinity of Rama 4 Road used shields and batons. On May 15, CRES ordered

³⁵⁹ In the opinion of the Ballistic Forensic Science Expert, the cartridge cases collected by one of the demonstrators was collected on April 10, 2010.

government forces to line up 150 meters³⁶⁰ from the demonstrators and put up a sign marking it as a live fire zone. CRES explained that there was no such order but that the government forces did it on their own in order to warn demonstrators and the public not to enter the area. At the same time, throughout the time of the cordoning off of the area, demonstrators attempted to tear down barricades and harassed the government forces with imitation weapons such as rockets, giant firecrackers and slingshots as well as self-invented weapons like PVC pipe bombs packed with sharp objects, ping-pong grenades and firebombs. Some used pistols to threaten the government forces and demonstrators continued to build barricades with car tires that they burnt in order to create a continuous smoke cover. Moreover, men in black appeared using assault weapons and bombs to attack government forces.

3) While taking control over Wireless Road on May 14, 2010, assault rifles were used to fire live ammunition into Lumpini Park and in the direction of Sarasin Junction where demonstrators were gathered. It appears that one person was shot and injured on Wireless Road as was another on Rama 4 Road-Bonkai. While taking over the area, government forces used shotguns and assault rifles with live ammunition. On May 15, signs were put up declaring the area as a live fire zone to warn demonstrators and the public to stay out of the area. In addition, marksmen were positioned on the second floor of the building in front of the Muaythai Lumpini building. Officers used shot guns and assault rifles to shoot into the air as well as at eye-level in the direction where demonstrators were gathered.³⁶¹ The Forensic Science Institute and Forensic Science Department found a large number of bullets on Rama 4 Road between Bonkai and the Rama 4 expressway overpass. The shots were fired from the direction of the Thai-Belgium Bridge³⁶² which is on Rama 4 Road. From an analysis of photos taken by a foreign news agency in the area of Rama 4-Bonkai, independent forensic science experts from overseas specialized in ballistics confirmed that the photos clearly show soldiers using assault rifles with live ammunition.

4) In blockading the Ratchaprarop area soldiers were stationed around the Airport Link Train Station from May 10, 2010. They carried shotguns with live ammunition/rubber bullets and assault rifles with live ammunition. Many M79 grenades were shot on Ratchaprarop Road between Pratunam and the Makkasan junction. Most were shot at night time while soldiers were behind blockades. On May 14, 2010 around midnight, troops based at the Ratchaprasong Airport

³⁶⁰ Order regulated for self-defense of officers during operations due to the incident of 10 April 2010 where armed groups/black shirt men used snipers to shoot authorities. Authorities need to keep a 150 meter distance between them and demonstrators and set up barriers to prevent direct encounters as well as consider monitoring the area from a high level as ordered per radio by Deputy Prime Minister/CRES Commander/Operational commander in chief in confidential-urgent manner in 11 April 2010. Reference to document 0407.45/63 dated 11 April endorsed by the Commander in chief of the Royal Thai Army/CRES Deputy Director (3)

³⁶¹ Video footage and photos of the incident including bullet fragments that were recovered at Rama 4 – Bonkai.

³⁶² Meeting with the Scientific Crime Detection Division of the Royal Thai Police, 13 June 2012.

Link Station fired at van which came out of a lane next to the Indra Hotel and headed toward the checkpoint under the Airport Link Station. The soldiers signaled for the driver to stop but he wouldn't.³⁶³ This incident resulted in the death of two people who were in the vicinity when the incident occurred: Mr. Pan Kamgong and a boy, Kunagorn Srisuwan. The driver was seriously injured. The autopsy report of Pan Kamgong showed fragments of 5.56 mm. bullets.³⁶⁴ After comparing bullets from the ammunition stock, it was not possible to determine whether the bullet that killed the man came from the guns submitted by the soldiers for inspection.³⁶⁵

5) Later, at around 1:50 p.m. on May 14 2010, reinforcement soldiers moved from the First Royal Guard Infantry Division on Viphawadee-Rangsit Road to the Dindaeng Triangle and deployed in the vicinity of the Esso Gasoline Station at the mouth of Rangnam Street until May 19, 2010. It was found that soldiers were carrying shotguns and rubber bullets/live ammunition and assault rifles with live ammunition. As they moved along Ratchaprarop Road they encountered a group of demonstrators. Independent forensic science experts specialized in ballistics found many bullet marks on concrete and metal such as on shop doors, electricity poles, signs, overhead walkway bridges, concrete walls, and telephone junction boxes. Most of the markings were from bullets fired from the direction of the Soi Rangnam junction facing the Dindaeng Triangle which is from where the soldiers were on duty. Some of the bullet marks were from bullets fired from the opposite direction – from the Dindaeng Triangle toward Soi Rangnam. This matches the results of an investigation of the site carried out by the Forensic Science Institute. Many bullet marks believed to have been made by 5.56 mm. (.223) bullets were found on Ratchaprarop Road. These were fired from the direction of Soi Rangnam toward the Dindaeng Triangle. Some bullet marks were from bullets fired from Dindaeng Triangle toward Soi Rangnam.³⁶⁶ Many bodies were found on Ratchaprarop Road between the Rangnam Esso Service Station and the Viriyah Insurance Company (before reaching the Dindaeng Triangle). These included the bodies of Mr. Kittipong Kanthong, Mr. Boonting Pansila, Mr. Samapan Srithep, Mr. Amphol Chuensri, Mr. Channarong Polsrila and Mr. Uthai Orn-in. (Details appear in report on specific cases)

6) While carrying their operations, soldiers encountered resistance from men in black who fired many M79 and RPJ grenades in the vicinity of the Airport Link Station. On 15 May 2010, witnesses reported that there were shots fired from the Chivatai Building at demonstrators, police and rescue units on Ratchaprarop Road.³⁶⁷ However, it was not possible to determine what

³⁶³ Autopsy report 55/2553, Witness Statement No. 2, Nation Reporter Komsan Thongmak

³⁶⁴ Report of the Ballistic Department, Scientific Crime Detection Division, Royal Thai police during Pan Kamgong's investigation.

³⁶⁵ Forensic Science Report 57/2553 of the Metropolitan Police Bureau, Plan 28

³⁶⁶ Crime Scene Investigation Report CSI-S5210-041, crime scene investigation department of the forensic science institute.

³⁶⁷ Demonstrators that witnessed the incidents were interviewed on 23 June 2010 and video footage of the Ratchaprarop incident.

armed group the shooters belonged to.

2.6.7.4 Dispersal of demonstrations at Lumpini Park and on Ratchadamri Road on May 19, 2010

1) Soldiers barricaded the area by closing roads and strictly prohibiting people from entering the Ratchaprasong area. However, demonstrators were free to leave. Forces were positioned at 3 a.m. in readiness to tighten the cordon and disperse the demonstration at 6 a.m. Police troops stopped traffic on Rama 4 Road, Wireless Road, and Henri Dunant Road and military forces started to take over Lumpini Park and surrounding areas. Forces moved from Thai-Belgium Bridge Junction along Wireless Road to the Uchuluang Building and into Lumpini Park. Forces also moved from the Saladaeng Junction and destroyed the barricades erected by demonstrators in the area of the Statue of Rama 6. Forces were arranged on the BTS railway line near the Statue of Rama 6, on the Thai-Japan Bridge and the Thai-Belgium Bridge until after leaders of the UDD announced an end to the protest. CRES ordered an end to the operation at 1:20 p.m.³⁶⁸

2) It was found that improvised explosive devices were set at points along the barricades erected by the demonstrators. Soldiers used armored vehicles, shotguns, and assault rifles with live ammunition in their operation against the demonstrators, who used imitation weapons, and the men in black, who used assault rifles and bombs to attack the military forces. Soldiers responded using shotguns and assault rifles with live ammunition along Ratchadamri Road toward the Ratchaprasong Intersection where the demonstrators and men in black were gathered. An investigation of the site found many bullet marks on the railway pillars and on both sides of the BTS railway station. Shots were fired from both directions but most were fired in the direction of the Ratchaprasong Intersection. During this incident many demonstrators and journalists were killed or injured by bullets, including an Italian photographer who was shot. (Details appear in the specific-case findings report)

3) At around 10:50 a.m., it is believed that men in black shot at military forces from inside Lumpini Park. Military forces battled with the men in black for about 30 minutes.³⁶⁹ At approximately 1:30 p.m. men in black made shots with an assault rifle and shot several M79 grenades into military forces that were moving from Saladaeng and had stopped at the Ratchadamri – Sarasin Junction to search the Bangkok Cable Building. One military officer was killed and several people seriously injured, including soldiers and a Canadian reporter. The shots

³⁶⁸ When UDD announced an end the protest, CRES ordered all units operating at Lumpini Park to cease operations and secure the area. CRES order 1407.45/726 issued 19 May 2010.

³⁶⁹ CRES document on maintaining peace and order in Bangkok and surrounding areas, p. 45; however, a military officer claimed during an interview that no encounter occurred in Lumpini Park but that he believed that shots were coming from inside the park during that time. From photos of men in black aiming weapons into Lumpini Park, along with the statement of a foreign reporter who witnessed this event, it is very plausible that it occurred during the time the military were re-taking the area of Lumpini Park.

were fired from Ratchadamri Road on the Ratchaprasong side of Ratchadamri-Sarasin Junction.

4) On Rama 1 Road near Ploenchit at 3:30 p.m. CRES³⁷⁰ gave an order for military forces positioned at Ploenchit Intersection to move toward the Ratchaprasong Intersection. At approximately 5 p.m.³⁷¹ and a short while later, they received an order to withdraw back to the Ploenchit Intersection for safety reasons. Military units positioned on Ratchaprarop Road under the Airport Link Railway Station did not move forces into the Ratchaprasong Intersection area.

2.6.7.5 Operations in the vicinity of Rama 1 Road on 19 May 2010 and the incident at Pathumwanaram Temple (Details appear in specific-case findings report)

1) Pathumwanaram Temple was declared a sanctuary zone on 17 May 2010. The aim was to provide a rest area and a safety zone for children, women and elderly demonstrators. Some demonstrators entered the Pathumwanaram Temple before 19 May 2010.³⁷² At around 3:30 p.m., CRES issued an order for military forces to assist and protect firefighters entering the area to extinguish a fire burning in the Siam Cinema. However, they encountered opposition from groups of armed men in black and had to withdraw. They made another attempt at 5:30 p.m. and moved to the Siam BTS Station where they positioned some troops on the BTS tracks and on the 2nd floor platform.³⁷³ At around 6 p.m., seven soldiers were seen positioned on the 1st floor train tracks in front of Pathumwanaram Temple and another five soldiers on the Siam BTS station. All were carrying M16 assault rifles with live ammunition. It was found that the soldiers aimed and fired in the direction of Pathumwanaram Temple. Two 5.56 (.223) empty bullet casings fired from the same gun were found on the first floor railway tracks. Also found was one live bullet of the same size.³⁷⁴ There were also many bullet marks on the road around the exit/entrance gate pillar (fence) on the edge of Rama 1 Road and on the outside wall of Pathumwanaram fired from the railway line in front of the temple. Bullet marks were also found on the back wall

³⁷⁰ CRES Order No. KH 0407.45/731 dated 19 May 2010.

³⁷¹ Sergeant Kittipong Suebsai in an interview on 8 March 2010. Mrs. Pussadee Ngamka, a demonstrator who was still in the area and a security guard at Central World provided statements to TRCT during the 12th Hearing session on “Arson of buildings in Bangkok and other provinces” on 19 April 2011. She stated that military forces were moving toward Ratchaprasong intersection at 3 p.m.

³⁷² Around 15.30, police officer Nueng of the Forensic Science Division saw a UDD guard carrying an object wrapped in cloth. Nueng believed it was a rifle. He was walking on Henri Dunant Road on the side of the Forensic Science Department. On reaching Chalermpao Intersection, he turned right toward the demonstrators. In a statement, a policeman with the special branch reported that while he was driving past Siam Square toward Henri Dunant Road and about to enter the National Police Headquarters, opposite of Coca Restaurant, he got shot in the back and the shot came from the direction of the Chalermpao Intersection.

³⁷³ Special Force Unit No.1 , 2nd Special Regiment, Lopburi

³⁷⁴ Memo Yor Tor 1009/1385 summarizes the crime scene progress report and collection of evidence during the reclaiming and cordoning of areas on 10 April and 19 May 2010 by the Forensic Science Institute, Page 3.

of the Sinthusoke Pavilion. These marks were made by bullets fired from the pedestrian bridge at the Chalermphao Intersection³⁷⁵ where soldiers were stationed. It is highly probable that this incident led to the deaths and injuries of the people in Pathumwanaram Temple. Six people were killed. Attachai Chumjan was shot at the entrance gate and the other five victims were shot inside the Pathumwanaram temple. Also, mirrors inside the temple and cars parked inside the temple were damaged.

2) Military forces reported that there was a gun battle between soldiers and men in black. Men in black were seen at the Chalermphao Intersection where there were bullet marks made by shots fired from the direction of the Siam BTS Station where soldiers were positioned. Eight bullet marks were also found on the 1st floor of the Siam BTS Station. These were made by bullets fired from the direction of the National Police Headquarters at Chalermphao Intersection³⁷⁶ indicating that there was, in fact, an exchange of fire between the two groups. Further, police officers reported that early in the morning of May 20, 2010, police examined the site and found traces of blood from two people at the Chalermphao Intersection. There was a long trail of blood from a body that had been dragged from a distance up to the gate of Pathumwanaram Temple.³⁷⁷ This matches the findings of the Institute of Forensic Science that examined the blood trails at Chalermphao. On May 20, police examined the scene and recovered one M16 cartridge case on the inner side of the temple fence in front of Sala Sinthusek. They also found one M16 assault rifle under a golf cart in the temple grounds parked near Sala Sinthusek and close to the wall of the temple. Investigations revealed that this M16 was one of the weapons seized by demonstrators from military forces at the Dindaeng Triangle on May 14, 2010.³⁷⁸ On May 21, 2010, officials examining the area and buildings within the Pathumwanaram Temple recovered one imitation Thai pistol, 300 bullets (7.62mm), two teargas grenades, giant firecrackers and a number of ping-pong bombs.³⁷⁹ In September 2010, after receiving information from a member of the public, police went to examine the forest garden inside Pathumwanaram Temple. Hidden under the base of a Buddha statue, they found assault weapons, an assortment of ammunition, and a UDD identification badge. The weapons

³⁷⁵ Crime Scene Investigation Report CSI-S5305- 126, Crime Scene Investigation Division, Crime Scene investigation Department of the Forensic Science Institute.

³⁷⁶ Report 1207 (1209/2553) Ballistics Department, Scientific Crime Detection Division, Royal Thai police, Page 9 and meeting with the Scientific Crime Detection Division on June 13, 2012.

³⁷⁷ From an interview of a senior police officer of the Special Branch Department on July 13, 2010.

³⁷⁸ DSI report 249/2553, Interview given by Pol. Lt Col Treetos Ronnaritvichai on July 13, 2010 and Thairath: <http://www.thairath.co.th/content/region/86062>

³⁷⁹ Documents presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2010.

included one M16 assault rifle and four military-style hand grenades. Ammunition included 278 x size 7.62 mm. bullets, 212 x size .223 (5.56mm) bullets, four x 40 mm. M79 grenades.³⁸⁰

³⁸⁰ In an interview with Police-General Dtreetos Ranaritvichai on 13 July 2010; details of weapons appearing in the inspection summary report of the site of the incident and from witnesses and evidence collected relating to the return and cordoning off of the area on 10 April 2010 and 19 May 2010; page 4 of the Forensic Institute detailing the police findings on 19 September 2010; report Yor Tor 1009/1345; the site inspection summary report and evidence collected relating to the return and cordoning off of the area on 10 April 2010 and 19 May 2010 by Forensic Institute (page 4) not specifying the date of the finding.

Table 2: Overall View of the Use of Force in Controlling and Dispersing Demonstrations during April and May 2010

Standards in Controlling and Dispersing Demonstrations and Regulations for Using Force and Weapons	Principles on Use of Force, Orders of CRES, and Practices according to standards and principles on use of force	Principles on Use of Force, Orders of CRES, and Practices that differed from standards and principles on use of force
The use of force and firearms by respecting the right to life, minimize damage and injury as well as respect and preserve human life. ³⁸¹ Includes the lives of military personnel on duty, the public and the lives of demonstrators. ³⁸²	Ordering and organizing medical units in accordance with the principles of human rights. CRES orders the use of force to restrain actions, not to take life. In some cases, officers provide assistance to the injured by sending them to hospital. ³⁸³ Instances of police coordinating with the disaster relief units to assist those who were injured. ³⁸⁴	Many cases of live ammunition being shot in the direction of demonstrators as mentioned in Specific-case Findings Reports. However, it was noticed that after soldiers were attacked with bombs on 10 April the situation became critical because many commanders were injured or killed. Instances of rubber bullets being fired at a closer distance than regulated, and aiming above the knees leading to serious injuries and disabilities from being shot in the eye.

³⁸¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

³⁸² Black Case No. 5971/2552 Red Case No. 2302/2554, <<http://prachatai.com/journal/2012/05/40664>>

³⁸³ Such as in the case of Nation reporter Chaiwat Poompuang and Sorathana Sapsri who were shot on the Jathuratis elevated expressway. Military officers provided assistance and escorted them to hospital.

³⁸⁴ Such as Pol Lt Col Vichai Sangprapai and the rescue units that helped injured people on Ratchaprarop Road.

Standards	Practices according to standards	Practices that differed from standards
		Insufficient coordination with humanitarian support units in terms of planning and protection in the field. ³⁸⁵ Also suspicion that medical personnel and vehicles may be from the opposing side made it more difficult for medical personnel and emergency relief units to operate. There were cases of medical units being threatened. ³⁸⁶
Separating targets when controlling crowds and using force.	CRES stated that wrong-doers and those who were a danger to officials should be separated out and measures set.	While dispersing demonstrators, it was found shotguns and assault rifles using live ammunition were fired horizontally (parallel to the ground) in the general direction of demonstrators. Officials explained this was done because men in black were using assault weapons to attack authorities.

³⁸⁵

In reference to the focus group session on the Role and Protection of Medical Personnel in Incidents of Violence held on 8 June 2012.

³⁸⁶

It was found that military officers threatened mitigation units at Soi Ngamdupli, Rama 4 Road–Bonkai even though the medical unit were in uniform and wore symbols of their agency. Reference has been made to sub-meetings on the role and protection of medical units and public mitigation unit, 8 June 2010, Prachatai <http://prachatai.com/journal/2010/05/29681>

Standards	Practices according to standards	Practices that differed from standards
Identifying between demonstrators who use violence and those who do not use violence and taking appropriate action. Suppress demonstrators that are using weapons if their actions affect innocent members of the public or demonstrators that are exercising their right to peaceful demonstration.	Management of incidents that had relatively little impact on those involved such as close quarter fighting and using marksmen to manage those with weapons that have mixed in with demonstrators. CRES authorized the use of weapon against those who were trying to start incidents so as to stop them but if the perpetrators are mixed in with the demonstrators and use of weapons might endanger innocent members of the public, officers must refrain from using weapons.	Crime investigation reports of the Forensic Science Police, Forensic Science Institute and independent forensic science experts indicated that bullet marks showed that most shots were fired from the direction where authorities had set their blockades³⁸⁷ or where military officers were operating and where fired in the direction where demonstrators and general public not involved in the demonstration³⁸⁸ which resulted in many deaths and injuries in those areas. This was learned from case files of the Department of Special Investigation, the National Police Headquarters, and petitions by public prosecutors. There is no evidence that those who were killed were carrying weapons. Some crowd control measures used by officers were not appropriate. They incited

³⁸⁷ At some areas, traces of bullets shows opposite shooting direction. Direction of shooting on April 10, 2010 came from the protestors side, namely, Ratchaprarop Road, Rama 4 Road-Bongai, Ratchadamri Road and Tanao Road. These are the areas where black shirt men have been among the demonstrators.

³⁸⁸ Ex: Ratchaprarop Road and Rama 4 Road – Bonkai

Standards	Practices according to standards	Practices that differed from standards
		the demonstrators and intensified the situation. These measures included releasing tear gas from helicopters and carrying war weapons while on duty.
Force and weapons must be used in proportion to the situation.	Orders of CRES required that force and weapons be used appropriate to (in proportion to) the situation so as to protect themselves from imminent danger or threats to the lives of CRES personnel or innocent members of the public. Weapons must only be used to suppress and control incidents, not to endanger lives. CRES ordered that issued shotguns be less powerful than standard issue rifles and that weapons used against groups carrying weapons could commence from the time that such groups enter a conflict.	In the dispersal of the demonstrators it was found that live ammunition was used in shot guns and combat rifles fired in the general direction of crowd of demonstrators. Soldiers reported that this was in response to men in black using combat weapons to attack the soldiers. From an inspection of the sites of incidents by the Central Forensics Bureau, the Forensic Institute and foreign independent forensic experts in the area of weapons and ammunition; it was found that most of the bullet marks were fired from the direction of soldiers on duty or positions where soldiers were stationed³⁹⁰ and where many injuries and deaths occurred. From autopsy reports of DSI, National Police Office and statements from prosecutors; there was no evidence that those who lost their lives were

Standards	Practices according to standards	Practices that differed from standards
	In the incident at the Thaicom Satellite Station demonstrators carrying models or replicas of weapons such as fire bombs clashed with soldiers using crowd control equipment such as water cannons, chains, tear gas canisters and rubber bullets. In this incident, no excessive use of force to control the crowd was found; further, it was found that the commander of the soldiers ordered the soldiers not to use weapons against the crowd.	carrying weapon or were a danger to crowd control personnel. An order from the CRES after the incidents on 10 April 2010 changed strategy and gave permission for personnel to forego the steps from light to heavy use of force in some circumstances³⁹¹ such as when a person carrying weapons such as a knife, gun, bomb etc. trespasses in area restricted by peace-keeping personnel. It was found that many people were wounded in areas outside those under the control of peace-keeping personnel. Wounds occurred in parts of the body “above the knees” such as in the eye, face, chest and abdomen.

³⁹⁰ In some places, there were bullets marks indicating that shots were fired from the opposite direction i.e. from the direction of the crowd of demonstrators. This was found on Rachaprarop Road, Rama IV Road - Bonkai, Ratchadamri Road and Tanao Road. The incidents on 10 April 2010 on Rama IV Road - Bonkai, Ratchadamri Road and Tanao Road; were areas where men in black were intermingled with crowds of demonstrators.

³⁹¹ CRES Order No. KH 04707.45/45 (Sor Yor Gor.)/130, dated April 18, 2010 in reference to documents presented to TRCT by Mr. Suthep Thaugsuban, dated June 27, 2012, Page 131

Standards		Practices according to standards	Practices that differed from standards
			There were some cases in which peace-keeping personnel were not able to control the unintended consequences of using weapons while trying to restrain people who were thought to be dangerous. This led to people who were not involved being affected. For example, assault rifles were used to stop a van trying to break through a cordon under the Rachaprarop Airport Link Rail Station. There were civilians in the area and two of them were shot and killed.

Standards	Practices according to standards	Practices that differed from standards
Give warning before using force	CRES clearly ordered officers to give a warning before using any kind of force or weapons. If any kind of weapon will be used, three warnings must be given except in situations beyond one's control that endanger officers or other people. CRES announced through the media the areas where entry was prohibited and officers provided warnings using megaphones taking action.	In situations where people were trespassing in restricted areas and in possession of weapons such as knives, guns or explosives; officers were permitted to skip the steps of using teargas, batons or rubber bullets, and go straight to the use of real ammunition. Unit commanders or others assigned were authorized to give the order to skip the stps mentioned.³⁹³

³⁹³

CRES Order No. KH 04707.45/45 (Sor Yor Gor.)/130, dated April 18, 2010 in documents presented by Mr. Suthep Thaugsuban to TRCT, dated June 27, 2012, Page 131.

2.6.8 In questioning high-ranking leaders of CRES who have political affiliations and are high-ranking officers in the army, it was noticed that after CRES had assigned duties to officials on duty, there was no monitoring or evaluation of procedures other than a report by commanders to their superiors, despite the fact that operations lasted almost two months from the beginning of April to the end of May 2010. There was almost no intelligence information support from the government to support CRES operations. Some CRES commanders and field operations commanders had to gather their own intelligence. Even worse, the intelligence that those on duty in the field received from CRES commanders was sometimes false and could have led to misunderstandings and excessive concern on the part of officers in the field. For example, informing field officers that the number of men in black that were going to attack was far in excess of the actual number.

2.7 Findings Concerning Disappearances, Torture and Rape

2.7.1. Cases of Missing Persons

TRCT received one complaint of a missing person during the April-May incidents of violence. Ms. Sommat Chuaypimai, mother of 24-year-old Adilak Insantia from Samutprakarn, reported to TRCT on 17 January 2012 that her son, Adilak, had been missing since 17 April 2010. She believed that her son joined the UDD protest with his friends. All his friends returned safely but Adilak never returned home. She made requests for assistance from the Phue Thai Party and from the Mirror Foundation and has received support from the People Information Centre (“Information Center for People Affected by the Dispersal of Demonstrations during April-May 2010”).

The Mirror Foundation reported that as of 7 June 2010, there were 74 cases of missing persons. Out of these 74, 51 people were still missing.³⁹⁴ According to the Mirror Foundation and the People Information Centre, as of August, 2012 most people had been found. Only three people remained missing at that time.

2.7.2 Cases of Torture

Two cases of torture have been reported to TRCT.

2.7.2.1 Krissana Tanyachaipong, leader of the Free Intellectuals Group which supported the UDD, gave speeches on UDD stages in the past. Krissana told TRCT that he and two of his friends, minors under 18 years (high school students), were tortured by military officers while

³⁹⁴ Mysterious Disappearances in Political Incidents, 74 persons notified missing, Thairat, June 8, 2010, <http://www.thairath.co.th/content/pol/88061>

leaving the demonstration on 16 May 2010. Krissana stated that he left the Ratchaprasong intersection to fetch his car which was parked at Pathumwan Intersection and then drove to Soi Chula 12 behind the Supachalasai Park. Around 7 p.m., they were stopped at a checkpoint set up by the military. The military officers tied their arms behind their backs, ordered them to kneel down and face the wall and close their eyes. Soldiers asked them where the protest leaders were, where the weapons were hidden, and where the commanders of the snipers were. He answered that he didn't know because he just joined the demonstration. While being questioned, soldiers kicked them and pointed guns to their heads while they were blindfolded. After 20 minutes, soldiers took their blindfolds off and they were able to open the eyes. Soldiers repeated the same questions several times. They were beaten and threatened that if they didn't disclose the information, they would be choked. A pickup vehicle with 2-3 men wearing military uniforms and black masks showed up at the site. They kicked them and started choking them until they couldn't breathe anymore. They were told that if they didn't give the information, they would be treated like those during the insurgency in Southern Thailand. They were questioned for about one hour. Journalists approached the area but they didn't tell the journalists about the torture that had occurred. One soldier set up an exhibit of slingshots which they claimed belonged to the boys. They were kept for about three hours before police came to take them to the Pathumwan police station. They were denied the right to see or consult with legal counsel as well as being denied the right to see or even call their relatives. They were kept in custody at the Pathumwan police station until 17 May 2010 and then transferred to Pathumwan Municipal Court. The minor was taken to the juvenile court.³⁹⁵ Krissana and his friend were alleged to have violated the Emergency Decree on Public Administration in States of Emergency, BE 2548 (2005). The court sentenced them to one year in jail without further questioning. Their cases were appealed and the sentence was reduced to 6 months.³⁹⁶

2.7.2.2. There were press reports that suspects alleged to have burnt down government buildings in Mukdahan and Udonthani were tortured.³⁹⁷ Investigation revealed that the person in question was accused of violating the Emergency Decree on Public Administration in States of Emergency, BE 2548 (2005). The accused person was detained in a truck. Section 11 of the Emergency Decree clearly states that a person shall not be detained at a police station but it does not clarify what constitutes an appropriate detention location or area. In any event, detaining a person in a truck goes against the intention of the Emergency Decree which prohibits treatment of an accused

³⁹⁵ Krissana Thanchaipong Statement to TRCT, January 20, 2012.

³⁹⁶ Voices of red disperse victim in response to the "Yingluck" government on reparation, Matichon TV, August 18, 2010 http://www.matichon.co.th/play_clip.php?newsid=1313668033

³⁹⁷ Voices of red disperse victim in response to the "Yingluck" government on reparation, Matichon TV, August 18, 2010 http://www.matichon.co.th/play_clip.php?newsid=1313668033

person as if they were an offender. In addition, this kind of detention violates the dignity of the accused person.

2.7.3 Cases of Rape

TRCT was informed by a victim during an interview that she was physically assaulted and raped during the incidents in April-May 2010. The victim is from Bangkok and joined in the demonstration on Ratchadamneon Avenue during which the victim received slight injuries from teargas grenades. Further, the victim was physically assaulted on April 10 at Ratchaprasong Intersection. On 15 May 2010 she left the Ratchaprasong area to go home. She rode a motorcycle in the direction of the Pathumwan Intersection, close to the MBK Centre, and then proceeded to a military checkpoint where soldiers asked for permission to check her bags. They found a picture of Gen. Khattiya Sawasdipol and a UDD identification card. Soldiers found no illegal substances or objects in her possession but would not permit her to go home. As it was late in the evening, the victim got angry and yelled at the soldiers. The soldiers took the victim into custody and took her behind the public bus stop. The soldiers would not release the victim so she yelled at them again. They took the victim to the building located next to Uthenthawai Campus of the Rajamangala University of Technology (East). Around 5-7 soldiers who were on duty at the entrance to the department stores assaulted her and punched her in the stomach and she lost consciousness. At around 9 – 10 p.m., she woke up and discovered that her underwear had been pulled down and her bra removed. There was sperm on her legs and flowing down the vaginal area. The victim's face was bruised and she experienced pain around the head and chest which were also bruised. Because no one was there, the victim ran out to the road next to Chulalongkorn University and called a tuk-tuk to take her to Sanam Luang. Later, the victim went to a Phue Thai Party location to request support. A guard at the Phue Thai Party location took her to file a complaint at the Pathumwan police station that then took her to a hospital for a physical examination.³⁹⁸

Investigation officers provided the following additional information. The examination of wounds and sperm inside and around the vagina could not identify the time of the rape. Usually, it is difficult to determine if more than 72 hours have elapsed since the incident. The crime scene was a military checkpoint set up next to Chula Soi 12 and Charoenpol Intersection. It was located on the corner of the street opposite to the Uthenthawai Campus of the Rajamangala University of Technology Eastern Campus. The victim was stopped by military officers who were wearing uniforms and carried guns at the check points. The victim yelled at the officers as already mentioned. Consequently a group of people dressed in military pattern uniforms but not carrying any weapon negotiated with the military officers at the checkpoints and took the victim to

³⁹⁸ Statement Taking 1010001

the Uthenthawai Campus of the Rajamangala University of Technology Eastern Campus where the victim was assaulted, lost conscious and woke up to find herself next to the Industrial Design Building of the Uthenthawai Campus which was only 300 meters away from the checkpoint. Police did not take immediate action to investigate the crime scene but the victim led them one month later, after the unrest has settled, to the location of the incident. Investigators accepted the victim's statement that she had been raped and submitted the case to the Office of the Attorney-General. The victim provided sketches of the perpetrators and an arrest warrant was issued. Investigation officers requested the military to send the officers who were on duty in that area so that the victim could identify the perpetrators. A petition was made to the Commander of the Royal Thai Army but no reply was received making it impossible to identify the officers on duty in those areas.³⁹⁹

The victim has requested reparation from the Ministry of Social Development and Human Security but has been informed that no reparation is provided for victims of rape. The only reparation they could provide was for minor injuries. The victim also claimed for "reparation of those affected in criminal cases" with the Rights and Liberties Protection Department, Ministry of Justice. The victim also mentioned that after the rape incident was reported in many newspapers, the victim was being followed and ambushed. The victim is certain that it is the same person that raped her and she has already filed a complaint with the inquiry officials.⁴⁰⁰

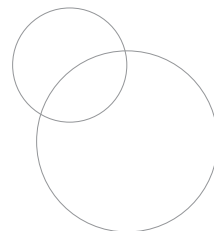
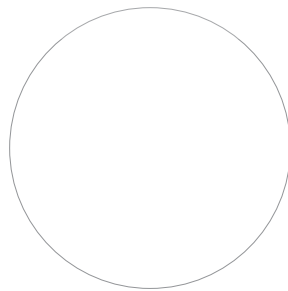
³⁹⁹ From a statement given by Pol. Lt. Col. Rungroj Puttiyawat, Investigation Officer, 8 June 2012.

⁴⁰⁰ Statement Taking No.1010001.

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



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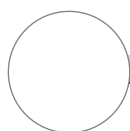
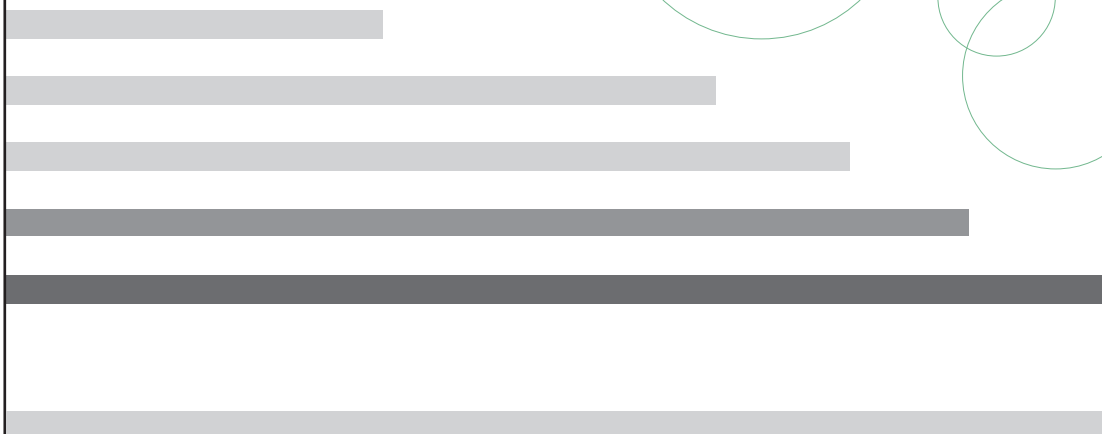
Reasons And Root Causes of the Conflict

3

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
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TRCT



3.1 Background and Significance

The Regulation of the Office of the Prime Minister on Investigating and Determining the Truth for National Reconciliation B.E. 2553 (2010) established the Truth for Reconciliation Commission of Thailand (TRCT), which has, among others, an important duty to “... 2) Provide for research and clarify the root causes of the division and violence, in terms of their legal, political and historical aspects.” TRCT assigned this duty to the Sub-commission on Research and Academic Activities which organized public forums and meetings to gather data and opinions, to present the findings of their investigation and study, to educate society from time to time by focusing on concerned public participation, and to search for ways to build harmony within the country through transitional and restorative justice by remedying and rehabilitating individuals, society, organizations and institutions that were affected by violent incidents.

3.2 Research Methods and Procedures

1. TRCT carried out research to determine the reasons and root causes leading to the conflict and incidents of violence during April and May 2010. Research methods employed included meetings, both in Bangkok and in the provinces; public forums; and presentations of research results. These activities stressed participation of academics, the public and people from all sectors of society. Data was collected, problems identified, opinions were listened to and theories from inside and outside Thailand were studied so as to establish a framework for research which was organized around five topics, namely:

- 1.1) Unequal power structure in Thai society;
- 1.2) Political violence: social and cultural dynamics and solutions;
- 1.3) The system of justice and violent political incidents: Problems and solutions;
- 1.4) Reform of security organizations; and
- 1.5) Legal limitations to the exercise of freedom of the press in presenting news and information.

2. Knowledge gained from research into these five topic areas was combined with:
 - 2.1) Research findings of TRCT Sub-commissions and those of other related agencies.
 - 2.2) A review of the literature on:
 - 1) Conflict management⁴⁰¹
 - 2) Peace Building⁴⁰²
 - 3) The concept of “Do No Harm”⁴⁰³
 - 4) Transitional Justice⁴⁰⁴
 - 5) Restorative Justice⁴⁰⁵
 - 2.3) Experience in conflict management in the country.

⁴⁰¹ Conflict can take place at any level:→ personal, family, societal, national and even global → because of differences in objective, method, value or culture. These can lead to unacceptable thoughts, feelings and actions, which bring about conflict. If such conflict cannot be resolved or is not dealt with properly, then it can lead to violence. Violence can include words or body language on up to mutual physical harm, and can ultimately result in damage or loss, including loss of property, time, feelings or even sovereignty. The concept of conflict management is the study of the meaning of conflict, its nature and causes, stages of expansion, processes, consequences, theories of conflict and conflict management, and conflict together with violence.

⁴⁰² The concept of peace-building was introduced in 1975 in the article “Three Approaches to Peace: Peacekeeping, Peacemaking and Peace-building,” by Johan Galtung, a new-era peace researcher. Galtung presented structural peace-building as the way to create sustainable peace by identifying the root causes of conflict that lead to violence and conducting activities to correct the problems that cause conflict using models from peace studies to bring about change and end conflict through peaceful means (United Nations, 2010.) Peace-building became more widely accepted after 1992, when the United Nations Secretary General called for “An Agenda for Peace,” maintaining that the United Nations and the international community have a responsibility to manage conflict in form of preventive diplomacy, peacemaking and peacekeeping. Consequently, the concept of peace-building became known and is used today to manage conflict in the world community.

⁴⁰³ “Do no harm” became known in early 1990 through members of international organizations working with local NGOs in the Local Capacities for Peace Project, later known as the “Do No Harm” Project (DNH), which was developed by Mary B. Anderson (CDA Collaborative Learning Projects, 2004.) In brief, “do no harm” is a method that has been used in conflict situations. It involves sending officers from various sectors, whether representatives of neutral organizations, military units or state agencies, into the a conflict area to provide humanitarian aid and seek the causes of the conflict by gathering opinions from many parties in order to plan appropriate assistance for the people in the area. The participating organizations must have experience and a comprehensive understanding of the history, social conditions, culture, norms, traditions and way of life of the local people, including tensions, and they must rely on cooperation from all concerned parties to lessen the conflict instead of making it worse as a result of ignorance.

⁴⁰⁴ Transitional justice was conceived in the late 1980s as a process that responds to political change and aims to ensure justice following violent incidents or broad violations of human rights. This concept and process has been used extensively in countries that have experienced violent conflicts, such as Argentina, Chile, South Africa, El Salvador, Haiti, East Timor and others. Accordingly, this concept emphasizes challenging the society under transition, because transitional processes have many limitations both in policies and government capabilities, e.g. weaknesses in the justice system, corruption, and problems with laws, the constitution or law enforcement. Such limitations could become conditions that lead to new conflicts in the future.

⁴⁰⁵ During the past three decades, the trend in the world community regarding mainstream justice has been to move away from a single type of mainstream justice toward alternate forms of justice and the resolution of certain criminal disputes by means that would lead to peace and justice in society. One of the alternate forms of justice is restorative justice, a concept used to end conflicts or resolve disputes that maintains compensation for losses, especially losses of crime victims, will bring justice and restore peace in communities, because the victims of crimes are the people who were affected the most.

2.4) Case studies of Truth for Reconciliation Commissions (TRC) in five countries on three continents; i.e. South Africa, Sri Lanka, Liberia, Chile and Timor Leste.

3. These were then summarized, synthesized, and analyzed as data on the root causes of the conflict.

3.3 Analysis of the Root Causes of the Conflict in Thai Society

It is normal for societies to change. Change is inevitable and often leads to conflict, thus, during a period of change, a society needs to find ways to manage conflict so that it can survive and develop. Conflict is neither bad nor abnormal. The good side of conflict is that it motivates change and development in a society.⁴⁰⁶ However, if a society does not have effective conflict management mechanisms, then conflict may develop into violence which could be dangerous and cause harm to a society. When conflict occurs, a society may choose either of two ways to manage the conflict and achieve its objective; 1) a non-violent, peaceful approach, or 2) a violent approach.

In considering the social conflict in Thailand, TRCT has focused on analyzing the root causes which are varied and intertwined. This analysis used a 4-level conflict analysis framework⁴⁰⁷ to explain the inception of the conflict and its escalation into violence.

In addition, the analysis also includes information on the economic, social, and political context of important incidents that occurred at different times to explain the relationship between the issues as follows.

⁴⁰⁶ Concept of conflict in a human relations approach and contemporary approach

⁴⁰⁷ The 4-level Conflict Analysis framework is:

1) **Latent Tension** is discord that has not yet shown visible symptoms of conflict. Society does not recognize that there is a conflict or that the discord is a problem that could develop into a conflict. This level of discord is still within the bounds where action could be taken to prevent it from developing into a conflict.

2) **Overt Conflict** is conflict clearly seen as hostility or antagonism in society. It is caused by imbalance in power, injustice and unequal benefits. This conflict situation is still within the bounds where it could be managed, and a neutral party or arbitrator could be used to resolve or end it.

3) **Power Struggle** is conflict that creates tension or produces a confrontation between two parties vying for power. As the problem gets worse and tension increases, the situation requires intervention to keep the conflict from escalating. Mediation or more intensive efforts to manage the conflict must be used.

4) **Destructive Violence** is conflict that has developed into violent encounters and use of force in society that are forms of "direct violence." This is the highest level of conflict and beyond the capacity of the three conflict management methods: prevention, resolution and containment. This level of conflict brings about violence and losses that cannot be estimated.

Based on the 4 levels of conflict, up until violence occurs, different ways of managing conflict are needed. If the wrong method or tool is used, then it might not be possible to resolve the problem. For example, once the conflict becomes violent, negotiation might not be able to manage it but only prevent the conflict or violence from becoming worse or expanding. Other measures would need to be used later.

3.3.1 Beginnings or Initial Growth of Conflict or Latent Tension

3.3.1.1. In the period of latent tension, the conflict was not apparent but was a complex web of contributing factors. There is no single cause that can explain why Thai society came to face such extreme conflict or experience political instability. The conflict developed as a long continuous circle of events with many contributing factors. It can be assumed that some of the factors lie in the fact that Thai society has always had inequality in its economic and social structure as follows:

1) Differences between urban and rural societies *which have an unfair distribution of wealth, especially between Bangkok*, the economic and administrative centre of the nation, and relatively remote rural areas where the state cannot adequately respond to fundamental needs. Bangkok and other major cities hold a much higher proportion of GDP than rural areas.

2) Differences between the agricultural and industrial sectors in terms of income. Provincial agricultural labour makes up 40 percent of the total national labour pool but has only a 10 percent share of GDP while industrial labour makes up 19 percent of the national labour pool but has a 33 percent share of GDP. Most of the population are poor agricultural labourers living in rural areas while those in the industrial sector, especially wealthy business people living in the city, are much better off.

3) Unequal ownership of resource, production resources which entrepreneurs have the power to purchase. Rural people and farmers are poor and cannot own production resources, particularly land that belongs mostly to a small number of wealthy investors. Only 10 percent of the population own more than 100 rai of land per head while the remaining 90 percent own less than 1 rai per head. Moreover, approximately 70 percent of total land area is not utilized, or under-utilized, because it is owned by land speculators.

4) Unfair distribution of income because income-generating developments are clustered in urban areas and because of the income disparity between the agricultural and industrial sectors. Most of the country's wealth is in the hands of the urban population who are a minority of the overall population. The richest 20% of the population receive more than 50 percent of total national income while the poorest 20% receive only 3.84% of national income. This means that the richest group has a collective income 13 times greater than the poorest group.

5) State policies and management mechanisms cannot bring about fairness in society. The tax system and structure cannot distribute wealth from the rich to the poor and despite high economic growth the gap between the rich and poor grows even wider. The double standards, or even more than double, in the implementation of state policies as well as laws that benefit the rich creates economic inequality among the various social levels and reduces opportunities for some to access fundamental public services such as public health services and education. This, in turn, creates even further economic inequality.

6) Law enforcement and procedures of the system of justice that do not correspond to the rule of law are the root cause of problems with the law and law enforcement. The problem with the system of justice arose from frustration when the political system had problems and there were frequent changes of government including several coup d'états. These created doubt in law enforcement procedures because they were ordered by those who carried out the coups and held state power. Some groups did not accept social regulations relating to managing conflict so the conflicts escalated and became violent. In the end, this led to a judicial procedures crisis which created on-going arguments.

Law is a formal social control mechanism which has little effect on behavior or social control. Cultural mechanisms, such as social sanctions, are informal rules but have more power and influence than laws. However, in Thai society, such informal mechanisms are not strong enough to make people afraid of behaving in undesirable or improper ways.

The above six factors created inequality in the social structure and led to two social classes in Thai society: **The governing class that has economic power**, controls production resources and has political power; and **the governed class** or underprivileged people in an unequal power relationship. This inequality created social conflict but for a long time the conflict and potential violence were not apparent because a balance of power was maintained between the two classes by the social structure and social dynamics.

3.3.1.2 The root causes of the problems mentioned above can be compared to the seeds of conflict waiting to sprout when the right time arrived. Thai society had the following mechanisms that helped stop the conflict escalating into violence:

1) The Thai political culture and a misunderstanding of the law of karma. In the past, Thai society had a subject-political culture. The governed class usually waited for political benefits without taking part in politics and presenting their needs to the political system. They believed they had no influence with the governing class. They made no demands and just acquiesced in the power of the state. Therefore, problems connected with inequality in Thai society were not apparent. There were no demands for change and the disadvantaged class did not ask for any rights from the governing class. Also, a misunderstanding of the law of karma made the people docile and stay silent to injustice in society.

2) “Half-democracy” politics and negotiated power and benefits among the governing class during one period in Thailand. The people felt that they did not really own the power because they did not have complete freedom and there were no gatherings to demand rights. Government was an issue of bargaining for balanced power and benefits among the governing class which consisted of the military, government officers, politicians and wealthy entrepreneurs in a way that distributed benefits among them. Despite conflicts and power struggles between the military,

government officers, and politicians with support from wealthy businesspeople, violence was not clearly apparent. Disputes could be resolved if there was sufficient benefit to be derived. In other words, politics belonged to the elite, not to the people.

3) The role of the state as a welfare or managed state. The state employed a centralized management of power, public services or social welfare while the people were not aware of their potential for self-development, both at the individual and community levels. The role of the state was that of “giver” while the people were “requestors” and they lived together without extreme conflict. People in distress would usually gather to make requests from the state on a case-by-case basis and the state would solve only those problems such as requests regarding prices of agricultural products, oil prices, or cost of living which were specific issue requests, not structural requests.

The above three were like pillars that balanced the social structure and stopped the conflict from developing into violence. In the past, conflict arose regarding individual issues but not regarding the basic structure. The system did not collapse because there were other pillars supporting the social system, even though unsteadily. Moreover, society often knew how to deal with the problems that arose, often through agreements reached within the governing class themselves.

However, this structure could only balance social power temporarily because society is dynamic and constantly changing. Some of the important changes came from globalization which led to economic development and to politics that were more democratic. These changes led to a reform of the economic structure and to a wider distribution of the benefits of development. There was also a change in thinking about democracy which led to the writing of a new constitution – the Constitution of the Kingdom of Thailand B.E. 2540. These changes reflected social adaptation to cope with globalization but they also affected the balance of social power which, though appropriate in the past, was no longer appropriate in a developed and changed society. For example, becoming a democracy needs greater public participation so that the people can perform the important role of being owners of Sovereign power. The former balance of power based on the three mechanisms mentioned above was no longer sufficient to maintain the balance.

When Thai society could no longer find appropriate ways to manage the latent conflict, and other supporting factors and catalysts were present, including weak mechanisms for solving problems, the conflict escalated into violence.

3.3.2 Period of Overt Conflict

When society entered the era of globalization that led to broad economic, political, and social changes; a major adjustment occurred in Thai society which impacted on the original social structure and transformed the existing conflict into a violent one when supported by the following factors and motivators.

3.3.2.1 Change in Economic Structures. Thailand experienced great economic development through implementation of the National Economic and Social Development Plans, which changed the Thai economic structure from subsistence to commercial agriculture. An agricultural society became an industrialized society. There was a movement of capital and labor, and an expansion of prosperity from Bangkok to other regions of the country, with the base of production shifting especially to central and eastern provinces, such as the economic growth in the Eastern Seaboard development project. However, the shift in production has not reached every region of the country.

This structural change raised the importance of rural areas, and the “capital accumulation” was introduced in line with modern capitalism. Land, equipment and other capital resources were gathered together, and funds accumulated through various kinds of “savings” initiatives, in order to amass production capital for use in the expansion of populist programs, e.g. the Asset Capitalization Project, people’s banks Project, the One Tambon One Product (OTOP) Project and the Small-Medium-Large (SML) Village Development Project of Pol. Lt. Gen. Thaksin Shinawatra. These and similar projects of subsequent governments brought production growth in rural areas and increased employment opportunities and other economic opportunities, together with increasing the amount of government budget funds that were distributed to local governments. Nationally, the proportion of household income from non-agricultural activities rose to 60 percent, while in the Northeastern region it rose to 80 percent. This has had big effect on “capital accumulation” in rural areas and greatly affected economic change in rural areas.

The changes in economic structure detailed above enabled the people to become more economically self-dependent, and feelings that the people need equality brought an awareness of being “**citizens**” rather than subjects simply waiting for orders from the state. The former subject-political culture and half-democratic structure were affected, and the state changed its role from being an aid or management state to being a welfare state, in which people have entitlement rights rather than receive charity from the state.

The structural economic changes brought Thailand fully into the era of capitalism. They brought about the rise of the “**new capitalists**”, for instance the telecommunications, mass media and entertainment industries, which grew more than the “**old capitalists**”, e.g. commercial banks, financial institutions, retail businesses and important industries such as cement, automobiles and parts, which formerly held economic and political power. Additionally, improved livelihood from economic expansion enabled people to have greater access to resources, made the Subject-Political culture slowly fade away and gave rise to “Individual” culture or a “liberal” way of thinking by which people are confident in their potential for self-development without asking or waiting for the state to give them things.

3.3.2.2 The Constitution of the Kingdom of Thailand B.E. 2540 (1997), which was enacted following the political violence in May 1992,⁴⁰⁸ was the country's first constitution that included the people's input and can be seen as a real "people's constitution." It introduced unprecedented political reforms that gave the people opportunities to take a greater part in administering and monitoring state power in order to promote transparency in the political process by having an elected Senate, and establishing independent bodies and constitutional organizations. It adjusted the political structure to be more stable and effective, while reforming judicial processes at the same time. Moreover, this Constitution also supported and protected rights and freedom of the people and ensured civil rights. This gave rise to the "citizenship" concept that the people own political power, which slowly decentralized administration through greater distribution of power. The people and communities started to play a role in politics and to think more about equality. This caused the subject-political culture and aid state to teeter and made the root problems of conflict exhibit visible symptoms, which had not happened previously, and develop into overt conflict. Consequently, TRCT takes the 1997 Constitution of the Kingdom of Thailand as the starting point to study the causes and roots that led to the violence during April and May 2010.

From the change in economic structure and implementation of the 1997 Constitution of the Kingdom of Thailand, the majority of people became more economically self-dependent and more aware of their civil rights. This brought about the phenomena of people demanding rights from the state and organizing among "grassroots" groups, who were more active and wanted more political participation, in the form of a political movement.

The new capitalists and grassroots people were interconnected through the introduction of populist policies by the government, which responded to grassroots people's needs and depended on grassroots people's votes so that the new capitalists could gain state power. (The new capitalists give the grass roots people populism and receive votes in return.) Such linkage gave victory to the new capitalists in the 2001 election,⁴⁰⁹ and they set up a government to

⁴⁰⁸ The political violence in May 1992 started when a group of people protested against the government that inherited power from the National Peace Keeping Council (NPKC). Afterward, the middle class played a greater political role and wanted to develop a parliamentary democracy system, and diminish the power of the bureaucracy and the military, which had often intervened politics through coups d'état. They demanded that the prime minister must be elected, that the president of the House of Representatives must be the parliamentary president, and that the power of the Senate be decreased. A movement for political reform was born that led to a call for amendment of the Constitution, and a constituent assembly was convened.

⁴⁰⁹ When the 1997 Constitution of the Kingdom of Thailand entered into force and an election was due, various political groups came together to establish the Thai Rak Thai Party, founded by Pol. Lt. Gen. Thaksin Shinawatra. Its members and supporters included businesspeople, politicians, government officials and well-known people from many sectors. Its policy-

administrate the country⁴¹⁰ that demonstrated their full acquisition of state power. Once in power, they fully implemented populist policies⁴¹¹ in order to respond to the needs of grassroots people, seen as an important source of votes for the election victory. This in turn led to admiration and faith in these leaders for implementing such policies and administrative methods.

In summary it could be said that such changes made the people in the society, or the former subject class, feel a sense of equality and know about civil rights, including demands for rights that they should have from the state. The changes also led to the rise of the “new capitalists,” who opposed the “old capitalists,” the rise of the “liberalism and citizenship concepts,” which opposed the “subject-political culture,” and the rise of “grassroots people,” who opposed the “elite.” These led to economic, political and class conflicts and struggles in society.

However, this change was a process of societal adaptation that built societal equality and citizenship appropriate for the era of globalization, while the subject-political culture still existed, and this caused occasional clashes between the different beliefs.

Moreover, Thailand was facing an economic crisis that interrupted development for a period of time. This was the time when the new capitalists, with support from grassroots people, took control of state executive power and carried out populist policies, which gave rise to Thaksinomics. The policy initiatives involved widespread policy - based corruption, including the share concealment case. Dissatisfaction with the government of Pol. Lt. Gen. Thaksin Shinawatra led to the formation of the People’s Alliance for Democracy (PAD), which used these issues make demands that became the focal point for virulent, chronic conflict.

making procedures included research and opinion surveys, and the policies were market-oriented. The use of business administration and management concepts to gain political support added a new dimension to politics, while the old political parties or other parties did not adapt as well as Thai Rak Thai did to the new constitutional mechanisms and rules in order to win the election.

⁴¹⁰ In the 2001 general election for the House of Representatives, the Thai Rak Thai party raised the “Think New, Do New” policy, while the Democratic Party, the core of the outgoing government, raised the “If not us, they will come” policy. The result was that the Thai Rak Thai party overwhelmingly won the election and became the leader of the coalition government, with Pol. Lt. Gen. Thaksin Shinawatra as a prime minister.

Pol. Lt. Gen. Thaksin Shinawatra formed a national government to by assimilating smaller parties such as New Aspiration and Seritham into Thai Rak Thai, which won 294 seats. Subsequently, the Chat Thai Pattana Party also folded into Thai Rak Thai, giving it 319 House members. With the addition of Chat Thai’s 24 elected representatives and the lone remaining New Aspiration representative, the government had 344 House members, giving it complete control. Meanwhile, the Democratic Party formed the opposition with just 128 House members. Because of its total control of the House, the Thai Rak Thai government was accused of being a “parliamentary dictatorship” or a “dictatorship of the majority” in its passage of laws and administration of the country. At the same time, political interference made independent bodies mandated by the Constitution, other constitutional organizations and even the Senate unable to fully carry out their duties to monitor and maintain balance, especially the judges of the Constitutional Court. This played a major role in the investigation of Pol. Lt. Gen. Thaksin when he was charged with violating the Constitution.

⁴¹¹ Pol. Lt. Gen. Thaksin Shinawatra’s government turned its populist campaign policies into government policies and implemented them earnestly — the suspension of small debts incurred by farmers, establishment of the village fund, the “get treatment for any disease for 30 baht” program and the Eua Athorn project [low-rent housing] and others. It also brought business administration methods to use in government administration, such as “CEO” governors and operational meetings.

Developments in communications technology allowed mass media ventures using alternative media such as cable TV, satellite TV and community radio stations to increase rapidly, as they are easy to set up and do not require a large investment. Some of these alternative media were used for political purposes by politicians or their supporters, leading to accusations that the information presented did not come from “real media” but rather from “fake media,” which really were “political media” that created confusion among people in general who received the information. Moreover, the emergence of “new media” by way of social networks enabled people to engage freely in 2-way communication, playing the roles of both information receiver and information provider. This “individual media” was also used for political purposes by certain politicians and political supporters.

When conflict began to appear, mass media were an aggravating factor that escalated the conflict and violence. Since mainstream media is under state control, the information they presented to the public was one-sided, supporting the government’s side while not presenting negative information about it. This allowed “political media” to be a tool for other sides to raise grievances in ways that included aspects of reality TV. Technological advances had made it possible for media consumers to appear on shows or provide news in a number of ways, such as by sharing their opinion through short messages (SMS), which is a 2-way communication medium that allows greater public participation in the media. As a result, a network of major social relationships at all levels has come into being. These processes have changed the role of media consumers from receivers of 1-way communications into 2-way communication participants: sender and receiver. Moreover, there are also alternative media and individual media, for example social networks and community radio stations, that are not under state control and that might take sides in politics.

These factors all contributed to the expansion of conflict, but there were also other contributing factors that expanded the conflict and pushed it into violence. These will be described next.

3.3.3 Period of Power Struggle and Commencement of Violence

When the conflict became visible, it became clear that two opposing parties were involved in a struggle for power. During the period of power struggle, the following factors contributed to transforming the conflict into violence:

3.3.3.1 Different understandings of democracy. After the division of society into colors, there are two obvious groups. One point of conflict between the two groups that each spoke about was the different understanding and perception of democracy by the two sides.

(1) One group believed that democracy is tangible, a matter of majority rule and policies that respond to the needs of the majority. For them, winning an election means absolute

power over the state administration. This group was the National United Front of Democracy against Dictatorship (UDD),⁴¹² which believed that government had to have policies that responded to the needs of grassroots people. This resulted in a majority government from the election that claimed they were the legitimate people's representative according to the majority rule principle of democracy, regardless of corruption.

(2) One group believed that democracy is about transparency and accountability.

The different beliefs of the two groups led to different ways of putting democracy into action. The People's Alliance for Democracy (PAD)⁴¹³ believed that true democracy had to be legitimate, free of corruption and demonstrably transparent, so the holders of state power must be accountable. This principle necessitates reviewing the government's work. Having such different basic beliefs meant choosing to look at democracy only in a way that supported each group's opinion, which was only half the truth, while rejecting the truth of the other side. This made it hard to find common ground in trying to resolve the conflict, which eventually developed into violence.

3.3.3.2 An increase in political media channels and private media channels.

These played a role in distributing information that ranged all the way to opinions that only supported one side and opposed the other side. The state has no control over these kinds of media. The media on each side had the duty to build up and exaggerate a good image for its side and play down mistakes or failings, while playing up and exaggerating the mistakes or failings of the other side. The distribution of information through these kinds of media proceeds with no filtering mechanisms, neither by the state nor by the media themselves, so they can easily become channels for the distribution of propaganda or hate speech, which can be shared

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1. In May 2010, an assembly called "Democracy Stage to Drive Out Dictatorship" was held at Sanam Luang and the United front for Democracy against Dictatorship was formed to abolish the Council for National Security (CNS).

2. After the referendum approved the draft 2007 Constitution, the United Front for Democracy against Dictatorship changed its name to the National United Front for Democracy against Dictatorship (UDD) to continue its political movement, using red shirts as the symbol for its political gatherings. Many who joined were admirers of former Prime Minister Pol. Lt. Gen. Thaksin Shinawatra or the policies of the Thai Rak Thai Party in general, or people who took a stand against coups d'état. The core leaders of the former Thai Rak Thai Party became the core leaders of the movement.

3. After the dispersal of the protest in April 2009, the UDD drew lessons for its movement and restructured the group as the National United Front for Democracy against Dictatorship (UDD) Red Across the Land in order to more tightly unify its mission and movement. It set up a UDD school to train workers in the provinces and it trained UDD guards in a systematic way.

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Mr. Sondhi Limthongkul started Thailand Weekly, a mobile program broadcast from public areas through the Manager network's radio, television and Internet channels, and gained a positive response from a large number of people who were dissatisfied with Pol. Lt. Gen. Thaksin Shinawatra. This gave birth to an alliance opposed to the "Thaksin regime." The People's Alliance for Democracy (PAD) was established on February 9th 2006 together with people's networks to demand that Pol. Lt. Gen. Thaksin resign and to reveal impropriety and the government's hidden agenda in the second share concealment case, concerning the selling of Shin Corporation stock at 73 billion baht on the Stock Exchange of Thailand. This together with accusations of activities affecting the Royal Institution, policy corruption and conflicts of interest led to the movement against the government under the lead of the People's Alliance for Democracy, which used yellow shirts as its symbol.

widely and rapidly through sharing via social networks and web boards. With the advent of alternative media that can freely distribute information and news, information that would not otherwise be available can be spread widely and easily, with little or no government intervention or control. These could be called “government-free” communication channels, and people are free to choose to receive and accept information or not. Politically motivated groups that aimed to instigate violence took advantage of people’s curiosity to access information and news that would have been blocked in the past, in order to spread propaganda and incite the people.

3.3.3.3 The coup d’etat on September 19 2006.⁴¹⁴ The Council for Democratic Reform under the Constitutional Monarchy (CDRM), led by Gen. Sondhi Bunyaratglin, seized executive power from Pol. Lt. Gen. Thaksin Shinawatra through a coup d’etat while Pol. Lt. Gen. Thaksin, then the caretaker prime minister, was abroad on government business.

Even though some groups supported the coup, especially in the Bangkok area, where people tired of the political disorder from Pol. Lt. Gen. Thaksin’s administration and the preceding election felt there was no other way to quickly solve this problem, it was a catalyst for the violence that erupted later. This is because society believes that coups are abnormal transitions of power that go against democracy, and are therefore unacceptable. Despite the argument that without the coup, violence and loss might have been greater, events reflect how well the use of violence against violence creates violence. Additionally, the coup raised doubts about Thailand’s being legal state, because of the military’s obvious interference in politics, which has negatively affected the development of democracy.

3.3.3.4 Uncertainty about the rule of law in Thailand, because of the Constitutional Court’s 2001 judgment in the “shares concealment” case.⁴¹⁵ The votes of 2 judges who said

⁴¹⁴ 1. The Council for Democratic Reform under the Constitutional Monarchy (CDRM) abolished the 1997 Constitution of the Kingdom of Thailand, thereby revoking the appointments of the incumbent Constitutional Court judges, and it appointed 9 new judges. Additionally, the Revolutionary Council issued 37 announcements and orders including an announcement that appointed a new 5-member National Election Commission, 9-member National Anti-Corruption Commission and 12-member Assets Inspection Commission (RTGS), an ad hoc commission to investigate the problem of corruption in the government of Pol. Lt. Gen. Thaksin Shinawatra.

2. The CDRM promulgated the Constitution of the Kingdom of Thailand (Temporary) B.E. 2549 (2006) and set up a temporary government with Gen. Surayudh Chulanondh, a privy councilor, as prime minister. The CDRM changed its name to the Council for National Security (CNS), and it appointed the members of the National Legislative Council on October 11th 2006. Some of the 70 laws that the National Legislative Council passed gave more power to the military. These include the Defence Ministry Administration Act of 2008, which prevented the political sector from interfering with the military; the Internal Security Act (2008), which gave a broad role and powers to the Internal Security Operations Command (ISOC), headed by the military; is the leader and other laws that remain in force.

⁴¹⁵ The National Anti-Corruption Commission brought this case to the Constitutional Court under Section 295 of the 1992 Constitution of the Kingdom of Thailand charging that Pol. Lt. Gen. Thaksin Shinawatra deliberately submitted false assets and debt declarations, and concealed facts that he should have declared when he served as a deputy prime minister in the government of Gen. Chavalit Yongchaiyudh. Pol. Lt. Gen. Thaksin claimed that he did not submit some assets information because he and

the case was not under the court's jurisdiction were counted together with the votes of 6 judges who said Pol. Lt. Gen. Thaksin Shinawatra was not guilty of concealing shares of stock, allowing Pol. Lt. Gen. Thaksin to continue serving as prime minister. This was an important event supporting Pol. Lt. Gen. Thaksin's legitimacy to run the country.⁴¹⁶

Doubts continued with Announcement No. 27 of the Council for Democratic Reform under the Constitutional Monarchy (CDRM),⁴¹⁷ which added revocation of electoral rights as a penalty for executive committee members of the dissolved political parties, and Announcement No. 30, which established the Assets Examination Committee to investigate corruption during the government of Pol. Lt. Gen. Thaksin. These sparked controversy in society over the legitimacy of the revolutionary council, the enactment of a retroactive law and the appointment of investigators seen as enemies of those being investigated. Controversy also arose over an amnesty based on Section 309 of the 2007 Constitution of the Kingdom of Thailand, which accepts as constitutional any actions deemed legal and constitutional under the 1997 Constitution.

Other problems concerned extrajudicial killings under the "War on Drugs" policy,⁴¹⁸

his wife had a large amount of assets, making it hard to fill in the form. He also said mistakes were a result of lack of knowledge and misunderstanding of the forms and instructions from the National Anti-Corruption Commission for filling in the forms. He assured that any mistakes were due to these lapses and not intentional. Meanwhile, Khunying Pojaman Shinawatra testified that the assets declaration was done by her personal secretary, whom she did not realize had not included some shares in the declaration.

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However, there was criticism because 7 Constitutional Court judges decided that Pol. Lt. Gen. Thaksin Shinawatra did conceal shares, but the court dismissed the case after combining the votes of 6 judges who found him not guilty with the votes of 2 other judges who decided that the case did not come under the jurisdiction of the Constitutional Court. This decision violated legal principles, because in deciding any case, a court must first see if the case is under its jurisdiction or not. This is a prerequisite for prosecution that must come first. If the court determines that the case is under its jurisdiction, then the next step is to decide whether that accused is guilty or not based on the facts of the case.

⁴¹⁷

Announcement no. 27 of the CDRM stated that the law governing political parties remained in force and added the additional penalty that administration committee members of dissolved political parties would lose their electoral rights for 5 years. The 1998 Constitutional Act regarding Political Parties stipulated only that administration committee members of political parties dissolved by a decision of the Constitutional Court could not participate in setting up a new party or become administration committee members of other parties for 5 years from the date of the court's decision. In principle, if not stated otherwise, a law takes effect from its enactment date and cannot be used against a person retroactively, because the person would have to have known when they committed the specified action that it carried negative consequences. But this announcement revoked the election rights of administration committee members of a party if an action was adjudged to be against the 1998 Constitutional Act regarding Political Parties, even if the action took place before the announcement was made. (The Constitutional Court cited this announcement in suspending the rights of administration committee members of the Thai Rak Thai Party, Pattana Chat Thai Party, Paendin Thai Party and Proactive Democracy Party in decisions 1-2/2550 and 3-5/2550.)

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The government enacted a brutal policy against the illegal drug trade that destroyed the drug trafficking network and control the spread of illegal drugs. But it was criticized for causing the deaths of more than 2,000 people to prevent the investigation from reaching the drug kingpins and for circumventing judicial procedures. Additionally, innocent people and people with no connection to drug trafficking were victims of extrajudicial killings.

intervention by independent bodies, administrative conflict of interest⁴¹⁹ and the fact that government officials are not held responsible under civil law, criminal law or the disciplinary code for the use of power under the 2005 Emergency Decree, which produced continual controversy over whether or not it was consistent with the rule of law.⁴²⁰

Another big debate over legal principles is that lawyers accept revolutionary council announcements as law, because Thai society has developed the ideas that a law is an order from the holders of power, and that whoever controls the country can order anything whatsoever. On the contrary, a law must be just in its nature, protect the benefits of the majority and be enacted through legitimate procedures, rather than being merely an order from people in charge. Moreover, laws must take precedence over rules that people institute, and are not just rules that a sovereign state institutes as control mechanisms. If they were, lawyers would accept and use laws without considering whether a law is legitimate or not. Laws would then be tools of people with weapons or capital. Were laws enacted to support capitalism, then legal professionals would become tools in the service of capitalists, knowingly or not.

3.3.3.5 Changes in the role of the judicial branch.⁴²¹ When the balance of power between the executive and legislative branches was lost, that is, the executive and legislative

⁴¹⁹ The government implemented a policy to privatize state enterprises by selling shares through the stock market, in line with the free investment and trade policies of globalization, in order to reduce government spending and borrowing to support the state enterprises, to attract more foreign investment and boost the Thai economy, and to change the administration of state enterprises to become more effective. Accordingly, the government pushed ahead Privatization of the Petroleum Authority of Thailand and Electricity Generating Authority of Thailand.

Many aspects of the privatization policy were criticized. For example, the government moved to privatize state enterprises that were already very profitable, while if it really wanted to develop effective administration then it should privatize state enterprises operating at a loss. Moreover, the distribution of shares was done unfairly, because 1 minute after opening, all shares available for the general public were reserved, and the first 20 bookings were made by the families of powerful politicians in the government.

Nonetheless, regarding privatization of the Electricity Generating Authority of Thailand, the Supreme Administrative Court ruled in red case no. For. 5/2549 that both the 2005 Royal Decree Stipulating Powers, Rights and Benefits of EGAT Public Company Limited and the 2005 Royal Decree Stipulating the Time Period for Repealing the Law Governing the Electricity Generating Authority of Thailand were illegal.

⁴²⁰ Even with conditions that actions must be just, impartial and proportionate, or not exceeding the situational needs, when measures are taken under such a decree, officers can take violent action against protesters as a result of ambiguity in interpreting the terms “proportionate” or “situational needs.”

⁴²¹ Examples of judicial activism are:

1. The Constitutional Court decided on May 30th 2007 to dissolve the Thai Rak Thai Party, Pattana Chart Thai Party, Paendin Thai Party and Proactive Democracy Party, and suspended the administration committee members’ electoral rights for 5 years according to the CDRM announcement that added this penalty in the case that a political party is dissolved. The Constitutional Court judge decided not to dissolve the Democratic Party.

2. The Constitutional Court decided in case no. 12-13/2551 that Prime Minister Samak Soonthoravej’s TV appearances as host of the shows “Chim Pai Bon Pai” and “Yokkhayong Hokmongchao” could be considered as the prime minister being an employee of a private company, which is prohibited under Section 267 of the 2007 Constitution of the Kingdom of Thailand. With the end of his term as a minister under Section 182 paragraph 1 (7), the whole Cabinet also was dismissed under Section

branches were effectively the same because the members of the House of Representative who chose the prime minister were from the same party, the judicial branch took on a greater role in maintaining a balance. This resulted in debate and refusal to accept judicial mechanisms, and to attacks on their role. This created the condition that society lacked an impartial rule keeper in a conflict situation.

3.3.3.6 Interference in independent organizations. Since 1997, these bodies have had a duty to function as mechanisms for investigating the use of state power, but they have not been as efficient as they should be. Some were accused of not being neutral or transparent in performing their duties because of political interference,⁴²² especially the Constitutional Court, the Administrative Court, the Election Commission⁴²³ and the National Anti-Corruption Commission, and this became a factor in the political conflict.

3.3.3.7 Exaggerated accusations by the holders of State power against opponents, especially accusations of terrorism against protesters and arresting protesters for violating orders given under the 2005 Emergency Decree. This brought about antagonism and rancor that increased

180 paragraph 1 (10). In deciding this case, the court followed the definition of employee of the 1999 Royal Institute Dictionary, which has broader definition than the Civil and Commercial Code, the Labor Law or the Revenue Code. This interpretation was accused of being too broad and inconsistent with the principle of conflict of interest, whereby the person must receive benefits from someone influential enough to affect a decision to do or to refrain from doing something relating to the discharge of one's duties, or gain personal benefits as a result of the performance of one's duty, involving improper use of state power.

⁴²² The Constitutional Court, in an election fraud case, dissolved 3 political parties — the People Power Party, Chart Thai Party and Neutral Democratic Party. This effectively removed Mr. Somchai Wongsawatdi, acting president of the People Power Party, from his position and stripped the administration committee members of their electoral rights for 5 years.

A main reason these bodies were criticized for interference stemmed from the procedure for selecting members, because the 1997 Constitution of the Kingdom of Thailand stipulated that political party representatives would comprise the nomination committee, and most of the representatives came from the government side, enabling them to reject anyone they did not want. Moreover, the Senate, which selected nominees to fill the positions, had relationships with members of the House of Representative, so political sides could influence the Senate. As a result, the 2007 Constitution of the Kingdom of Thailand significantly changed the principles for selecting members of the independent bodies by decreasing the proportion of politicians and increasing the number of judicial appointees to the nomination committee, and decreasing the Senate's power to merely approving the list submitted by the committee. However, the amendment of the selection process by increasing the role of the judiciary, together with many decisions of the Constitutional Court and Administrative Court, led to these judicial bodies being seen as having a greater role in resolving political conflicts and using judicial power to political advantage, leading to controversy over judicial activism.

⁴²³ The Election Commission headed by Pol. Gen. Wassana Permlarp set the election date for April 2nd 2006 and arranged election booths in a way that turned a person's back to the election committee and people in general. It then held a supplementary election on April 23rd 2006. The Constitutional Court later ruled in decision no. 9/2549 that the election process, for both the main and supplemental elections, was unconstitutional from the start, and the Central Administrative Court similarly ruled in decision number 607-608/2549 that the election was illegal. The Criminal Court subsequently sentenced Pol. Gen. Wassana and two other election commissioners, Mr. Parinya Nakachattree and Mr. Weerachai Naewboonien, to 4 years' imprisonment without probation for official misconduct, citing that they had no power to organize the supplementary election and that it benefited the Thai Rak Thai Party. The court also suspended the three commissioners' electoral rights for 10 years. The verdict effectively removed them from their positions.

the level of violence. Also, because terrorism is a very serious offense, obtaining bail is difficult (accusations were not proportionate to actions). This created feelings of injustice that led to hatred and greater violence.

3.3.3.8 Creation of a perception that justice was administered with a double standard.

There were claims of interference with the administration of justice, in terms of both law enforcement and the way independent bodies performed their duties. This created doubts about the rule of law and feelings of being denied justice in judicial proceedings. For example, when people from both sides were charged in the same cases, those from one side were allowed bail, while many from the other side were kept in prison. This was used to fuel accusations of discrimination and a double standard.

3.3.3.9 References to the Monarchy made for political benefit. People involved in the conflict who did not want to lose power or benefits from the political changes that took place tried to maintain the status quo by citing the royal institution or making the monarchy a political issue in order to gain legitimacy for their political movement in the eyes of the public. This exacerbated the political problem to the point that people were divided. Actions were taken that intruded on or affected the Monarchy, and the lese majeste law was used as a tool against political enemies by claiming that one's opponent did not pay respect or was not loyal to the royal institution, while building legitimacy for one's own side by claiming to protect the royal institution. The affected people were left with resentment, which also had a bad effect on the royal institution. Effort were made to turn the monarchy into a mere symbol, a sensitive issue that can easily spur conflict or violence. It was also theorized that the Privy Council had intervened in politics, and this idea became widespread. All this brought about conflict and struggle between sides with different views.

3.3.3.10 Society's lacks of knowledge on how to manage conflict through peaceful means resulted in the concerned parties trying to solve the conflict with violence. Opponents of the group holding state power focused on provoking violence in the belief that once a violent incident occurred, the state would use force to suppress the opposing party. Both sides shared the belief that the party that used force first would lose. For example, protesters rallied and marched, daring those in power to suppress them, while state power holders who needed to maintain their power were tempted to use force to suppress or disperse the gatherings, using the excuse of preventing violence. Such phenomena reflect the society's lack of knowledge in how to deal with conflict in a peaceful way that would prevent the use of violence.

3.3.3.11 Use of the military to manage conflict. The measures that state power holders used to deal with protesters during the April 2009 and April–May 2011 protests were not compatible with the role of military forces that were trained to conquer enemies more than to handle protesters who have a different belief or ideology. This lack of expertise and a mind set focused on conquering opponents were catalysts that intensified the conflict.

3.3.3.12 Phone-ins from Pol. Lt. Gen. Thaksin Shinawatra. These calls from the former prime minister⁴²⁴ had the effect of increasing arrogance among his supporters while increasing opposition and mistrust among the opposing side.

3.3.3.13 Cultural turbulence that express hatred and reinforced the existing conflict. For example, the Phua Thai Party would be called the Phao Thai (burn Thailand) Party, and the Democratic (Prachathipat) Party would be called the Prachawibat (civil disaster) Party. In addition, people started to act out their hatred and provoked one another by using partial truths, deepening the division between groups and intensifying the conflict.

3.3.3.14 Raising the stakes in the conflict.⁴²⁵ The winner-takes-all nature of the conflict

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In February 2008, after the People Power Party won the election and formed the government, Pol. Lt. Gen. Thaksin Shinawatra, former prime minister, returned to the country for the first time since power was seized from him in September 2006. He presented himself to the Supreme Court's Criminal Division for Persons Holding Political Positions to hear charges against him in the corruption case regarding land on Ratchadapisek Road, and he presented himself to the Attorney General in connection with the case concerning concealment of the shareholding structure of SC Asset Plc. But he left the country again during prosecution of the Ratchadapisek land corruption case and failed to appear in court in August 2008.

⁴²⁵

1. Protests by the People's Alliance for Democracy

- A protest against the government of Prime Minister Samak Soonthoravej, which had a policy to amend the 2007 Constitution of the Kingdom of Thailand, which resulted from the coup d'état, took place in the Makkawan Rangsang Bridge area. This later escalated into a protest to topple Mr. Samak's government. The protesters declared that they would remove the "Thaksin regime" and oust the delinquent puppet government, and they succeeded in seizing Government House and a number of other government venues including the National Broadcasting Service of Thailand (NBT) television station and the Public Relations Department.

- In support of a demand that Mr. Somchai Wongsawat and his Cabinet resign immediately without conditions, protesters blockaded Parliament on September 24th 2008. When the parliamentary session was postponed, they went and blockaded the Don Muang Airport, which was being used as the temporary Government House, and then they moved on to Suvarnabhumi Airport to pressure the government.

2. Protests by the National United Front for Democracy against Dictatorship (UDD)

- In January 2009, the UDD launched a protest against the government of Prime Minister Abhisit Vejjajiva, which it claimed was illegitimate. The "Red across the land" event began at Sanam Luang and then moved to Government House requesting. The protesters made 4 demands: 1) prosecution of the People's Alliance for Democracy; 2) removal of Mr. Kasit Phiromya from his position as Minister of Foreign Affairs; 3) restoration of the 1997 Constitution of the Kingdom of Thailand; and 4) dissolution of Parliament.

- On April 11th 2009, UDD protesters led by Mr. Arisaman Pongruangrong went to protest against Prime Minister Abhisit at the Royal Cliff Beach Resort in Pattaya, Chonburi Province, which was the venue for the ASEAN Summit. They clashed with the "Blue Shirt" group, which blocked the way of the Red Shirt group. But protesters led by Mr. Arisaman forced their way into the resort, thereby interrupting the ASEAN meeting. The government and ASEAN postponed the meeting, and the government declared an extreme emergency situation in Pattaya and Chonburi until the leaders from the other countries returned home safely.

made each side feel it could not lose because it had invested so much and would face fearsome revenge. Moreover, the longer a conflict goes on, the more the stakes increase. This led to the gathering of the most forces and followers possible, while demands were made that gave the other side no options and left no room for compromise. The conflict issues grew ever larger, and new issues were steadily added. In the process, the original causes and basic points of disagreement were lost, and attacks on the other side's handling of the conflict and its extremely evil nature became the way to attract more followers and to establish one's own legitimacy. This was clear in the reconciliation dialogue between the government and the core leaders of the protest, which failed because of the attitudes of both sides, as just described.

In addition, the side opposed to the state power holders endeavored to push the conflict to escalate into greater violence once the protest leaders and the state itself chose the use of violence to resolve the conflict. That is to say, the side opposed to the government tried to instigate violence by provoking repression from the state, as they believed that if the state repressed them, the government would be attacked for using force and would have to step down. Meanwhile, the side holding state power chose to stay in power and suppress the protest rather than resign, as they believed that resigning would mean giving in to the protesters' demands or being defeated by the protestors.

3.3.3.15 The 2007 Constitution of the Kingdom of Thailand⁴²⁶ and the issue of amending the constitution. The constitution became an issue, and a factor in transforming the conflict into violence, because some people continued to give importance to the 1997 Constitution of the Kingdom of Thailand as the "People's Constitution" and had a negative attitude toward the 2007 Constitution. Once the parliament was restored, they called for amendments to the 2007 Constitution, which critics claimed had many problems. Criticisms included: judicial power had no review mechanism, while legislative and executive power could be reviewed; public problem could not be solved as the constitution gave more power to local governments than the central government; Section 190 stipulated that international agreements and commitments must pass a parliamentary mechanism, leaving the government unable to do its job; provisions related to the dissolution of political parties in Article 237 do not comply with the rule of law; independent bodies set up under the constitution have too much power;

⁴²⁶ The Constitutional Drafting Assembly established by the Council for National Security (CNS) produced a draft constitution for approval by a public referendum, but the Citizens' Revolution group led by Mr. Sombat Boonngamanong protested at Sanam Luang under the slogan "Red does not Accept." They used red as a symbol in their campaign to have people reject the draft constitution in the referendum. In August 2007, the September 19th Network against the Coup, the Citizens' Revolution group, the National United Front for Democracy against Dictatorship (NUDD) and former Thai Rak Thai Party members campaigned around Bangkok for rejection of the draft constitution in the referendum. However, the referendum approved the Constitution of the Kingdom of Thailand B.E. 2550, with 14,727,306 people voting for it and 10,747,441 people voting against it. The new constitution came into effect on August 24th 2550.

some senators are not elected; and amnesty for the revolutionary council based on Section 309. The attempt to amend the 2007 Constitution met with opposition from groups that did not agree with this, leading to increased conflict and violence.

3.4 Summary

Starting from the problems and disagreements that gave rise to conflict through to when the conflict turned violent, the factors involved were interrelated and aggravated one another. The violence, therefore, did not arise from any single factor but had a composite nature, from a complicated mix of factors. These factors were so entwined that they could not be separated and were always in a state of flux.

It can be seen from the root problems that the crisis, conflict and violence, especially during April–May 2010, which might have looked like just a struggle between people who believed strongly in different ideologies, was really a conflict rooted deeply in problems related to economic, social, class and political structures. This long-standing tension might have started from people or groups that clearly had different ways of thinking, and were suspicious of attempts by any other party to make changes in the society. Fearing that change would affect the benefits they enjoyed and the power they held, they resisted change in order to maintain the status quo.

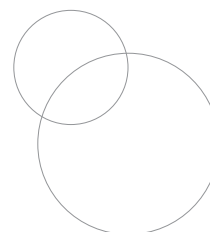
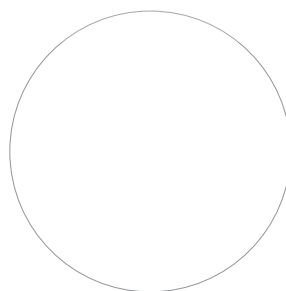
Such tension combined with structural socio-economic problems, inequality among social classes, intervention of the military in politics through a coup, the use of media as tool in fanning conflict, and weakness in democratic and judicial mechanisms, especially criticism that state mechanisms were not consistent with the rule of law. It is clear that the resulting crisis in Thailand was the result of complex web of problems, that no single factor could explain it.

These factors were at work continually after the coup d'état, which both sides cited as justification in their power struggle to run the country. As a result, for more than 5 years the 2 sides and their supporters alternated between being in power and trying to oust the other side and reclaim power. The cited factors can be seen as the fuel that kept the conflict and violence going and expanding, and continues to feed it even now.

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Truth for Reconciliation Commission of Thailand



TRCT



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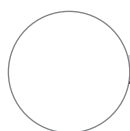
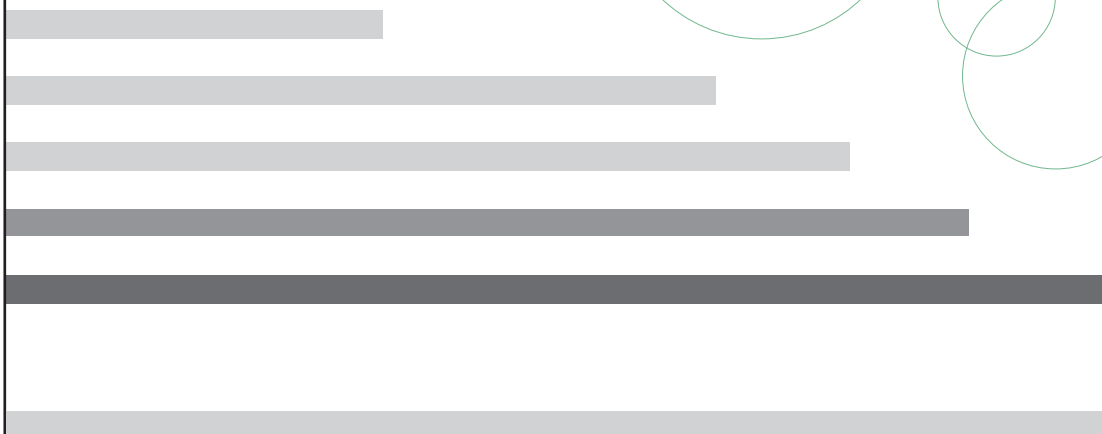
Restoration and Rehabilitation
of Victims

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คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



4.1 Theory, Procedural Concepts, Restoration, Rehabilitation and Prevention of Violence in Situations of Political Unrest

In order to provide both short and long-term reparation and rehabilitation to individuals, society, organizations and institutions affected by the violence according to restorative justice and social justice to promote reconciliation and prevent further violence and loss in the future.

TRCT reviewed the theories and procedural concepts by studying the meaning and concepts of restoration, the principles of restorative justice and legal measures related to methods and criteria of restoration in other countries and applied them to restoration and rehabilitation procedures and to the prevention of further violence and loss in the future.

4.1.1 Definition and Meaning of Reparation

The definition of reparation has changed over time according to changes in the principles of justice. Reparation is broadly understood to mean providing compensation or other measures to victims of violence or severe human rights violations by agencies under the control of the United Nations that are responsible for the rights of victims.

Of all the mechanisms of the system of justice that change according to time, reparations are unique in that they adjust to place and situation of the victims in incidents of violence. At present, the meaning of reparation is not limited to just financial compensation and other kinds of material reparation. It also signifies an apology for what has occurred and reflects the intention of the state and society to respond to the violations of human rights that have occurred and to provide reparations that are acceptable to all sides involved. In addition to compensation and other measures, it is necessary to determine the truth about what happened and to reform institutions that were involved in the incidents so that society can be confident that compensation measures are not just empty promises or efforts to keep victims quiet.

4.1.2 Importance of Reparations

Research determined that the mechanisms of reparation were another important issue. The results of this study help officials know how to set measures and comprehensive action plans. This study identified the following major issues connected to reparations.

Reparation and restoration are important mechanisms in transitional justice.

Assistance, compensation, and restoration places importance on the living conditions of those who were injured and aims to compensate them for rights that were violated, appease the pain and torment that the victims have endured, and protect the dignity of individuals. This study found that for restorations to be effective they should confirm the status of victims as those who have the right to receive restoration. Further, they should lead to an acknowledgement that violations occurred, to the state's acceptance of responsibility for injuries, and to society's obligation to find long-term solutions to the problems that have arisen. Information collected, both domestically and internationally, show that society's acknowledgement (admittance) of the fact that violations occurred is the most important factor in restoration. At the same time, it is also something that is ignored and usually lacking.

Reparation plays an important role in rehabilitation strategies.

The findings indicate that reparation is linked to other rehabilitation efforts, conceptually as well as in practice. Although in many cases there is a response to the basic socio-economic rights of victims, it is also necessary to rehabilitate basic civil and political rights from the ground up by reforming institutions or even creating new ones to oversee and enforce these rights. These environmental factors make it necessary that restoration mechanisms link together and support other mechanisms in order to be effective.

4.1.3 Characteristics and types of Reparation

There are two legal concepts relating to reparation that need to be considered: The rights of the victim that was affected by the incident, and the duties of the party that has to provide redress. *The United Nations Basic Principles and Guidelines on the Rights to Remedy and Reparation for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* describes five forms of reparations:

(1) Restitution. Rehabilitation measures for victims of violence that will return conditions back to what they were before the incident occurred in terms of human rights, liberty, family life, citizenship, place of residence, employment, and property.

(2) Compensation. Providing compensation for damages that is appropriate and proportional to the gravity of the violation and the circumstances in each case. Such damages include: Physical or mental harm, lost opportunities, damages to property and loss of earnings; and expenses such as legal costs, medical costs, costs of psychological treatment, and costs of social services.

(3) Rehabilitation. The psychological and physical treatment and recovery of the affected person including legal assistance and social support.

(4) Satisfaction. A form of reparation that sets measures to stop human rights violations and abuses. These measures include truth-seeking, searches for persons who have disappeared, recovery and reburial of remains, judicial and administrative sanctions, public apologies, commemoration and memorialization.

(5) Guarantees of Non-Recurrence. Reforming organizations to instill confidence that further human rights violations will be prevented in the future. These include civilian control of the military and security forces, strengthening the judiciary to become more independent, protection of civil and human rights workers and the overall promotion of human rights standards, and the establishment of mechanisms to prevent and monitor social conflict and conflict resolution.

Findings from many countries indicate that the most effective reparation is a combination of all the forms of reparation mentioned above. Reparation measures can be arrayed along a continuum from purely symbolic to completely material. Measures may range from a statement of apology or the naming of a street in honor of a victim through to locating the remains of loved ones; creating dignified burial sites; establishing rehabilitation and community centers; or releasing pools of credit or directly funding targeted community reparations. All these measures are forms of rehabilitation, building satisfaction, and guaranteeing non-recurrence.

4.1.4 Persons Eligible to Receive Reparations

Victims of human rights violations or humanitarian law have a legitimate right to adequate restoration compensation. These violations refer to physical or mental injuries, emotional suffering, loss of economic opportunity or substantial impairment of fundamental rights through acts or omissions that constitute gross violations of international human rights law or serious violations of international humanitarian law against family or dependents of the victim. These violations also refer to people that are distressed or endangered by others intervening in the assistance of victims or victimizing those who are receiving restoration. Research determined that reparation can be classified into two types:

1. Individual Reparations

Measures for individuals require a precise identification of the persons entitled to them as well as a way to deliver the concrete benefits to the individual recipient. Individual measures are important because international human rights standards are generally expressed in terms of the individual. Reparation to individuals therefore underscores the value of each human being and their status as a person who has rights. This avoids considering all victims together in

a way that risks minimizing the particular harm done or making the meaning of reparations vague. On the other hand, individual measures – depending on the specifics and how well they are complemented by other actions – necessarily are selective, so that in any one group or community some victims will be entitled to individual reparations and others, whether victims or fellow citizens in general, will not.

2. Collective Reparations

Collective reparations focus on delivering benefits to people who have suffered human rights violations as a group. For example, collective reparations measures might address identity-based dimensions of individual violations or certain violations where the damages cannot be estimated; for instance, dismantling organizations or villages; in such contexts, collective reparation may offer an effective response to damage to community infrastructure, identity and trust. Collective reparations have their own challenges. They are not easy to implement and they risk being resisted by individual victims because they do not respond to the often quite intimate, individual nature of the violations and suffering. Often, it will be difficult to define the communities that stand to benefit or to justify benefiting some to the exclusion of others. Moreover, the process can be used for political gain. Nevertheless, in some cases, collective reparation has promoted harmony in a community and reduced tension.

TRCT found that combining measures of restoration - individual and group - according to the situation is the best method in many situations and when there is a limited budget for restoration.

4.1.5 Persons Responsible for Providing reparations

From a study of many incidents in other countries, it was found that, in general, states have the responsibility for ensuring that the human rights of all people within their borders are protected, as well as for ensuring that justice will be delivered equally to all when abuses occur. This responsibility can be a matter of law or a matter of basic fairness to victims who should be treated equally regardless of who the perpetrator is as this is not something that they can control. One of the purposes of reparations is to help facilitate victims' integration into society, to make them feel that the rest of society cares about what happened to them by providing some kind of redress. It is also a way to distribute across society the costs of providing redress for harm. In this way, the state can provide reparations not because it was responsible for wrongdoing, but because of its obligation to provide for the common good and to assist in reintegrating victims - without making distinctions as to who committed the crimes.

In any event, in many situations the State must shoulder much of the responsibility. Receiving support from the international community may be possible even in situations where international agencies played a role in the conflict and are not willing to involve themselves

directly in the restoration process. They may still be willing to assist in other ways that would increase resources for reparations. While such contributions may support material responses to violations, they lack the symbolic resonance of public acknowledgment of wrongdoing.

4.2 Legal Measures for Restoration in Other Countries

TRCT has studied and compared legal measures related to restoration criteria and methods in five countries: Germany, Chile, South Africa, USA, and Argentina. All of these countries have experienced social violence and have implemented different models of restorative justice and measures of restoration.⁴²⁷

4.3 Methods and Principles of Providing Restoration to Those Affected by Incidents of Violence

The restoration activities of TRCT have the primary aim of reparation and rehabilitation of individuals, society, organizations, and institutions that have been affected by the violence, both in the short and long-term. Procedures are based on restorative and social justice and aim to support national reconciliation and prevent violence from recurring. These aims are achieved by assisting and rehabilitating victims (victim support), by meeting with victims and visiting communities directly affected by the violent incidents and sometimes providing legal, social, psychological, and first-aid assistance. Also by recommending reparation measures according to “restorative justice” which emphasize reparation of victims / those injured and to provide an opportunity for wrongdoers, victims/affected persons, communities and government agencies to participate in the activities mentioned in order to build satisfaction of all sides. This process must rely on the cooperation of the wrong-doers, victims and the injured, the communities and state agencies in organizing public forums for victims (victim hearings) to provide opportunities for victims to tell about incidents from their point of view and express their feelings of resentment (airing of grievances) which is one part of the healing process.

TRCT constantly kept in mind that the aim of reparation is to build reconciliation and prevent violence from recurring. Reparation can be compared to managing the satisfaction of those affected, both directly and indirectly, where it is natural that the level of satisfaction of people is different. Therefore, reparation needs to rely on some principles which are acceptable within the country and internationally. Similar incidents that have occurred in Thailand and other

⁴²⁷ Appendix 18.

countries need to be researched and to apply what is learned to establish criteria and methods of reparation for those affected by the recent violence. Limitations and criteria applied in Thailand can be compared to the limitations and criteria that were applied in other countries. TRCT therefore reviewed and compared legal measures and criteria for restoration in Thailand with those of other countries.

4.3.1 Legal Measures Related to Setting Methods and Criteria for Restoration in Thailand

In Thailand there is no specific law covering rights to restoration for losses stemming from incidents of political violence. This type of restoration would require a Cabinet resolution comparable to the Damages for Injured Persons and Compensation and Expenses for Defendants in Criminal Cases Act, B.E. 2545,⁴²⁸ Protection for Motor Vehicle Victims Act B.E. 2535,⁴²⁹ and the Labor Protection Act B.E. 2541.⁴³⁰ These acts protect victims in car accidents or manual laborers but do not guarantee the right to receive assistance in the event of damages arising directly from political rallies that involve different kinds of criminal offences. Therefore, special measures must be employed that do not overlap with rights that are already covered by laws or the practices of agencies that operate in normal circumstances. Such special measures are necessary in the current situation in order to provide restoration that is effective in preventing violent incidents in the future and building reconciliation in the country.

4.3.2 Restoration for Losses Incurred during Political Violence

Criteria and methods of providing restoration for losses incurred in situations of political violence are classified as follows:

4.3.2.1 Non-monetary restoration (four measures) as follows:

(1) Restoring to original condition

Aimed at returning conditions back to their original state or by voiding actions that gave rise to violations. These measures relate mostly to social and economic restoration because these conditions can still be restored. These measures are of many types such as the right to re-trial of criminal cases, rehabilitation of legal rights and freedoms by returning conditions to their original

⁴²⁸ The objective is to guarantee the right of individuals to receive assistance from the state when they are injured as a result of a criminal offense committed by another person and has no other way to obtain relief benefits. This includes guaranteeing the right to receive compensation in the event that a person becomes the defendant in a criminal case and is taken into custody during the trial.

⁴²⁹ To protect the rights of persons injured in motor vehicle accidents in cases where the injured person has no such protection.

⁴³⁰ Stipulates that the employer will be guaranteed compensation for any damage that may be caused by the employee.

state or by confirming citizenship, rehabilitating the freedom to return to one's own residence, returning employment, or returning property.

(2) Rehabilitation measures

Rehabilitation measures are usually considered within the framework of compensation for losses which overlaps with the finding that officials must proceed with rehabilitation measures and the state pays the compensation amounts under the measures of rehabilitation. In most cases, this will involve just ordering the state to pay all compensation for expenses in rehabilitation.

(3) Measures to provide satisfaction

These non-monetary measures are a form of restitution for damage in cases of emotional harm; or damage to pride, dignity or reputation. They include the decision of a court that victims had their rights violated; an apology or acceptance of responsibility; or a public remembrance which is very important, especially in cases of violations of rights of groups, or a large number of people, or in cases where individual victims cannot be identified, or cases where violations occurred a long time ago in the past. This type of commemoration has symbolic value and is one aspect of restitution for present and future generations. In Thailand, the only legal measure which provides for satisfaction is the Reconsideration of Criminal Cases Act B.E. 2526. This act requires a decision by the judicial branch under article 13 relating to re-trial of criminal cases under set conditions.

(4) Measures guaranteeing non-recurrence of wrong-doing

Guaranteeing non-recurrence of violations can be a form of restitution. Preventing violation of rights can be accomplished in many ways such as by (1) passing legal measures that prevent further violations; (2) protecting those that safeguard human rights, medical personnel, legal personnel, the media, and others; (3) providing human rights training; and (4) having civilian control over military forces and security agencies.

4.3.2.2 Financial forms of restoration has two forms of financial restoration as follows:

(1) Reimbursement for physical and mental injury

The characteristics of this reparation include financial compensation for damages and setting amounts for damages to objects or property that cannot be "economically determined". On the other hand, one of the major functions of this type of reimbursement is restoration for physical and mental injury of individuals in cases where the original state cannot be restored. This type of restoration can be economically assessed quite easily when it leads to medical expenses, expenses for psychological treatment, cost of medicines, or other expenses by calculating on

the basis of “equalization” which is the accepted method of assessing loss according to the law. This is the only method to assess damages that arise from pain, suffering, anger, and anxiety and for damages to reputation and dignity of an individual.

In the laws of Thailand it was found that *the Compensation for Injuries and Restitution of Expenses for Defendants in Criminal Cases Act, B.E. 2544* does not explicitly define the word “restitution” but defines “compensation” to mean money, property or other benefits which the injured party is entitled to receive as compensation for damages incurred. There is a ministerial regulation issued in accordance with this act that further states that in considering compensation for the injured party in criminal cases, a committee should keep in mind the behavior and seriousness of the wrong-doing and the nature of the damage inflicted, including opportunity to receive reimbursements through other means.⁴³¹ It also sets these criteria: (1) Necessary expenses for medical treatment be paid according to actual amount, but not exceeding 30,000 baht; and (2) Physical and mental rehabilitation be paid according to actual amount, but not exceeding 20,000 baht. Compensation according to (1) and (2) includes room and meals in hospital be paid at a rate not exceeding 600 baht/day.⁴³² In cases where the injured party in a criminal case dies, the committee may determine the amount of compensation as follows: (1) Compensation in the amount ranging from 30,000 baht to 100,000 baht; and (2) Funeral service charges in the amount of 20,000 baht.⁴³³

The Protection for Motor Vehicle Victims Act B.E. 2535 stipulates “preliminary compensation”; which refers to expenses for medical treatment and for funeral costs in case of death as well as other expenses; in order to relieve the distress caused by the damages⁴³⁴ but

⁴³¹ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003). No. 2. The committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence and the nature of damage, including eligibility to receive other reimbursements.

⁴³² Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003); No. 3; stipulating that the committee may determine the amount of compensation as follows:

1. Necessary expenses for medical care paid according to actual amount billed, but not exceeding 30,000 baht.
2. Physical and mental rehabilitation expenses paid according to actual amount billed, but not exceeding 20,000 baht.
3. Loss of earnings during absence from regular work at an amount not exceeding 200 baht per day and not for a period of more than one year starting from the date of being incapable of performing regular work.
4. Other amounts of compensation in addition to (1), (2) and (3) may be paid at the discretion of the Board, but not exceeding 30,000 baht. In addition to (1) and (2), accommodation and meals are paid for but not exceeding 500 baht per day.

⁴³³ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 4. In case of death or when the accused person in a criminal case has died, the committee may determine the amount of compensation as follows: (1) Compensation ranging from 30,000 baht to 100,000 baht; (2) Funeral expenses of 20,000 baht; (3) Compensation for loss of financial support not exceeding 30,000 baht; and (4) Other damages incurred in addition to (1), (2), and (3) to be paid at the discretion of the Board, but not exceeding 30,000 baht.

⁴³⁴ Protection for Motor Vehicle Victims Act B.E.2535 (1992) Section 4 states that “Preliminary Compensation” in case of death means medical services and necessary expenses concerning medical services of motor vehicle victims and mortuary services and necessary expenses concerning mortuary services according to the item and amount stipulated in the Ministerial Regulation, Section 20, Paragraph two.

there is a limit to the amount payable. The amounts of compensation for injury are paid in terms of the actual costs of medical treatment but there is a limit to the amounts payable. In case of death, compensation covers funeral costs. In case the insured person dies after receiving medical treatment, compensation is paid according to the actual expenses for medical treatment and the funeral.

The Social Security Act, B.E. 2533, stipulates that benefits for non-occupational injury or sickness shall cover expenses for:⁴³⁵ (1) medical examinations; (2) medical treatment; (3) room, meals, and treatment in hospital; (4) medicine and medical supplies; (5) ambulance or transportation for the patient; and (6) other necessary expenses.

In cases of disability, benefits cover expenses for:⁴³⁶ (1) medical examinations; (2) medical treatment; (3) medicine and medical supplies; (4) in-patient treatment and meals in hospital; (5) ambulance or transportation for disabled persons; (6) physical, mental and occupational rehabilitation; (7) In the case of death,⁴³⁷ (1) funeral expenses; and (2) child support.

In addition, the Ministry of Social Development and Human Security applied the same principles on reparation and rehabilitation to those affected by violent incidents of 7th October 2008 and 8th-16th April 2009 in order to provide remedy and relief to those affected by unrest. Assistance was classified into the following two categories:⁴³⁸

⁴³⁵ Social Security Act, B.E. 2553, Section 63 regulates that benefits for non-occupational injury or sickness shall consist of: (1) medical examination expenses, (2) medical treatment expenses, (3) lodging, meals and treatment expenses in hospital, (4) medicine and medical supplies expenses, (5) cost of ambulance or transportation for patient, (6) other necessary expenses. The above mentioned expenses shall be in accordance with the rules and rates prescribed by the Medical Committee. The insured person who is taking work-leave to receive medical treatment under the instruction of a doctor, shall, also, be entitled to income replacement according to the prescribed criteria under section 64.

⁴³⁶ Social Security Act, B.E. 2553, Section 70 states that disability benefits shall consist of (1) medical examination expenses; (2) medical treatment expenses; (3) medicine and medical supplies; (4) in-patient meals and treatment expenses in hospital; (5) cost of ambulance or transportation for disabled person; (6) physical, mental and occupational rehabilitation expenses; (7) other necessary expenses.

Section 71. In the case where the insured person has become disabled by a cause unrelated to work, such insured person shall be entitled to receive income replacement at the rate of fifty per cent of the wages under section 57 for the remainder of his/her life.

⁴³⁷ Social Security Act, B.E. 2553, Section 73. In the case where the insured person has died without sustaining injury or sickness due to work, if the insured person has paid contribution for a period of not less than one month during the period of six months before his death, the following benefits shall be paid, in case of death: (1) funeral expenses according to the rate prescribed in the Ministerial Regulations. (2) Any allowances, in cases where an insured person has died, shall be paid to a person whom the insured person has specified in writing to be the receiver of the allowance. If the insured person has not made any written statement, such allowance shall be equally shared among spouse, parents or children of such insured person on the following amount..."

Section 73. In the case where the insured person who is disabled under section 71, has died, the provisions of section 73 shall apply, mutatis mutandis, and the income replacement received for the last month before the death of such insured person shall be used as basis for calculation.

⁴³⁸ Ministry of Social Development and Human Security, Principles on reparation and rehabilitation of those affected by incidents of violence.

(1) Immediate assistance. In cases of death, disability, or inability to return to their business or their normal job as well as in cases of serious injury requiring hospitalization for more than 20 days or cases of minor injuries that do not require hospitalization.

(2) Continual assistance for the disabled and heirs of victims who were killed. This includes rehabilitation of the disabled according to the nature of disability as well as assistance to the children of those who were killed or disabled. These children receive monthly payments until they complete their education up to bachelor's degree level.

In addition, it was found that assistance to those affected by the unrest in the southern border areas was of two kinds.⁴³⁹ In cases of death of a government official, (soldiers, police officers, civil service employees, full-time and contract staff of state enterprises, village leaders and village chief inspectors, headmen and assistant headmen, volunteer border guards, local district doctors, and local politicians) OPM provides 500,000 baht for each person who lost their life, as well as monthly payments according to the following scale: 1,500 baht for each child not yet in school, 1,000 baht for each child in kindergarten, 1,000 baht for each child in primary school, 1,500 baht for each child in high school, 1,500 baht for each child in vocational college, 2,500 baht for each child in diploma level vocational training and 2,500 baht for each child in higher level education. Families with more than 3 children will be given 5,000 baht per month (in case both parents have died). The Ministry of Education provides education scholarships of 5,000 baht for students to attend the Por-nok Institute, 5,000 baht to attend kindergarten, 6,000 baht to attend primary school and non-formal education, 10,000 baht to attend high school and vocational education colleges, and 20,000 baht to attend diploma level courses or higher education. The Social Security Office provides 50,000 baht for funeral expenses for heads of families, and 25,000 baht for funerals of family members. Local authorities provided 20,000 baht per family. In addition, government employers provide the following assistance: Restitution payments for soldiers killed, funeral expenses, family support, veteran assistance payments, life insurance policies (1,000,000 Baht/per military officer, 500,000 baht/ sergeant, 300,000 baht/soldier/volunteer scouts and government combat support personnel. Police agencies provide funeral assistance, welfare support, grants to police housewives, and Sai Jai Thai Foundation provides special financial assistance support for three months, and pension payments.

Civil service agencies provide financial support for funerals, special financial support for three months, special pensions, funds from Sai Jai Thai foundation (for teachers only). OPM provide 50,000 baht for serious injuries, 500,000 baht for disability, 30,000 baht for injuries, 10,000 baht for minor injuries and 3000 baht financial support for the members of the family. The Por Mor provide monthly allowances as follows: 1,500 baht for children in preschool, 1,000

⁴³⁹ Assistance and rehabilitation service for persons affected by conflict in the southern border provinces, Southern Border Provinces Development Strategy Committee, page 9-12.

baht for kindergarten, 1,000 baht for elementary level, 1,500 baht for non-formal education, 1,500 baht for high school students, 1,500 baht for vocational education, 2,500 baht for diploma level study, and 2,500 baht for higher level education. For rehabilitation, 200,000 baht and for living expenses for the disabled 1,000-3,000 baht (depending on level of disability). The Ministry of Education provide scholarships for the Por-nok Institute of 5,000 baht for kindergarten, 6,000 baht for non-formal education, 10,000 baht for high school students, 10,000 baht for vocational education, 20,000 baht for diploma level and 20,000 baht for higher level education. There is also social security support of 10,000 baht for disability cases, 3,000 baht for cases of serious injury, and 2,000 baht for cases of minor injury (each case receives a consoling payment of 2,000 baht). Local authorities provide 20,000 baht per family, the Rights and Liberties Protection Department provide medical assistance amounting to 30,000 baht and the Rights Protection Department provide 30,000 baht for medical expenses and compensation for absence from employment not exceeding the minimum wage per day in that area during the period of treatment. The employing government department, including the army, provides compensation for injury, support of families of the injured, funds from the veteran's organization, and special funds for battle service. Police agencies provide welfare payments, assistance from the Police Housewives Association, support from the Sai Jai Thai foundation and the Veteran's Organization. The Civil Service provides financial support to Sai Jai Thai foundation (only for teachers). In addition, further support is provided to members of the public that assist the civil service, religious leaders, the general public, and retired civil service employees according to the same principles mentioned earlier.

(2) Economic and social reimbursement

Economic and social reimbursement is paid for what is called damage to property. These can be categorized as follows:

Loss of property and real estate

From a study of the laws in Thailand it was found that according to *the Compensation for Injured Persons and Compensation for Expenses of Defendants in Criminal Cases Act, B.E. 2545; Section 3*; "Damages" refers to money, property or other benefits which the injured person is entitled to receive as compensation for damages caused by, or due to, a criminal offense committed by other persons.⁴⁴⁰ Further, *the Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003); No. 2*; stipulates that

⁴⁴⁰ Compensation for Injured Persons and Compensation for Expenses of Defendants in Criminal Cases Act, B.E. 2545, Section 3 defines "damages" as money, property or other benefits which the injured person is entitled to receive in order to compensate for damage caused by, or due to, a criminal offense committed by other persons.

the committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence, and the nature of the damage, including opportunities to receive other reimbursements.⁴⁴¹ The Committee may determine the amount of compensation as seen appropriate but not exceeding 30,000 baht.⁴⁴² In 1992, a victim protection act for victims who survived car accidents stipulated that they shall be compensated 50,000 baht. *The Protection for Motor Vehicle Victims Act B.E.2535* stipulates the “preliminary compensation” amount shall not exceed 50,000 baht.

On 25 May 2010, the Cabinet approved the use of 251 million baht from a reserve fund for emergencies in the central budget to assist small businesses and members of the public who sustained property damage as a direct result of the unrest stemming from the political demonstrations. Due to past incidents, the Cabinet approved a central budget, reserved budget for emergency cases or necessary expenses totaling Baht 251,000,000. The subsidy measures have been provided to the small businesses and people whose properties were damaged during the political situation. Further assistance was provided according to the criteria of Bangkok City by having the Committee to Assist Small Businesses and the Public whose Property was Damaged as a result of the Unrest accept to consider further according to *the Regulation on Promotion of National Social Welfare, B.E. 2537* which states that the preliminary compensation shall not exceed baht 10,000 per household.⁴⁴³

Loss of Income

The Compensation for Damages and Expenses for Defendants in Criminal Cases Act, B.E. 2545 does not define “reparation”; however, it states that “compensation” means money, property or other benefits which the injured person is entitled to receive as compensation for damage caused by, or due to, a criminal offense committed by other persons.⁴⁴⁴ In addition, *the Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution*

⁴⁴¹ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 2. The committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence and the nature of damage, including eligibility to receive other reimbursements.

⁴⁴² Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 4, in case of death, when the accused person in a criminal case has died, the committee may determine the amount of compensation as follows: (1) Compensation of 30,000 - 100,000 baht; (2) Costs of funeral expenses not exceeding 20,000 baht; (3) Compensation for loss of support not exceeding 30,000 baht. (4) Compensation for other damages, in addition to (1), (2), and (3) to be paid at the discretion of the Board, but not exceeding 30,000 baht.

⁴⁴³ The Office of Small and Medium Enterprise Promotion for those affected by the political unrest summarized relief measures on page 1-2.

⁴⁴⁴ Compensation for Injured Persons and Compensation for Expenses of Defendants in Criminal Cases Act, B.E. 2545, Section 3 defines “damages” as money, property or other benefit which the injured person is entitled to receive in order to compensate damage caused by, or due to, a criminal offense committed by other persons.

and Benefits, B.E. 2546 states that loss of earnings during absence from regular work can be compensated at an amount not exceeding 200 baht per day, and not for over one year as from the date of inability to perform regular work .

The Social Security Act B.E. 2533 stipulates that benefits for non-occupational injury or sickness income replacement shall consist of ⁴⁴⁵ (1)...(6). Compensation for other necessary expenses include income replacement and disability benefits consisting of ⁴⁴⁶ (1)...(7) as well as other necessary expenses including income replacement in case of death consisting of ⁴⁴⁷ (1)...(2) and relief support including income replacement before death.

Other material damages including legal expenses

The Compensation for Damages and Expenses for Defendants in Criminal Cases Act, B.E. 2545 does not define “reparation”; however, it states that “compensation” means money, property or other benefits which the injured person is entitled to receive as compensation for damage caused by, or due to, a criminal offense committed by other persons.⁴⁴⁸ Also, *the Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546* states that the committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence and the nature of damage, including

⁴⁴⁵ Social Security Act, B.E. 2553, Section 63 regulates that benefits for non-occupational injury or sickness shall consist of: (1) medical examination expenses; (2) medical treatment expenses; (3) lodging, meals and treatment expenses in hospital; (4) medicine and medical supplies; (5) cost of ambulance or transportation for patient; (6) other necessary expenses. The above mentioned expenses shall be in accordance with the rules and rates prescribed by the Medical Committee, with the approval of the Committee. Insured persons who take work-leave to receive medical treatment under the instruction of a doctor, shall also be entitled to income replacement according to the prescribed criteria under section 64.

⁴⁴⁶ Social Security Act, B.E. 2553, Section 70 states that disability benefits shall consist of (1) medical examination expenses; (2) medical treatment expenses; (3) medicine and medical supplies; (4) in-patient meals and treatment expenses in hospital; (5) cost of ambulance or transportation for disabled persons; (6) physical, mental and occupational rehabilitation expenses; (7) other necessary expenses.

Section 71. In the case where the insured person has become disabled by a cause unrelated to work, such insured person shall be entitled to receive income replacement at the rate of fifty per cent of the wages under section 57 for the remainder of his/her life.

⁴⁴⁷ Social Security Act, B.E. 2553, Section 73. In the case where the insured person has died without sustaining injury or sickness due to work, if the insured person has paid contribution for a period of not less than one month during the period of six months before his death, the following benefits shall be paid, in case of death: (1) funeral expenses according to the rate prescribed in the Ministerial Regulations... (2) Allowances, in the case where an insured person has died, shall be paid to a person whom the insured person has specified in writing to be the receiver of the allowance. If the insured person has not made any written statement, such allowance shall be equally shared among spouse, parents or children of such insured person according to the following amounts ...”

Section 73 bis. In the case where the insured person who is disabled has died, the provisions of section 73 shall apply, mutatis mutandis, and the income replacement received for the last month before the death of such insured person shall be used as basis for calculation.

⁴⁴⁸ Damages for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act, B.E. 2545, Section 3 regulates “Damages” means money, property or other benefit which the injured person is entitled to receive in order to compensate damage caused by, or due to, a criminal offense committed by other persons

an opportunity to receive other reimbursements.⁴⁴⁹ It further indicates (1)...(4) Other damages incurred besides, (1), (2) and (3) may be compensated for according to the discretion of the Board, but not exceeding 30,000 baht⁴⁵⁰ in cases of death. When the accused person in a criminal case has died, the committee may determine the amount of compensation as follows: (1)...(3). Loss of support not to exceed 30,000 baht. (4) Other damages incurred beside (1) (2) and (3) to be paid at the discretion of the Board, but not exceeding 30,000 baht.⁴⁵¹

In addition, there are criteria for providing restoration to those who were affected by the incidents of unrest in the southern border provinces that are derived from surveys of the number of preschool children, students and undergraduates who were seriously injured or disabled, including orphans or children who were affected by the incidents of unrest through the death, serious injury or long-term disablement of a parent or benefactor. The support to the schools in the south is provided in terms of annual scholarships; pre-school children/non-formal education receive financial support of 5,000 baht/person/year; kindergarten / primary school students 6,000 baht/ person/year; secondary students 10,000 baht/person/year; and higher education students 20,000 baht/person/year. According to the reparation principles the state “shall provide money for the rehabilitation of serious injured or disabled persons at a rate of 200,000 baht per person and monthly payments for sustenance to the who parents had died, seriously injured and disabled or pre-school children’s, students, undergraduates who suffer from serious injuries or disability until they graduate with a bachelor’s degree or according to the potential of the child; however, the child must be under 25 years of age (kindergarten/ primary school will be supported with 1,000 baht per month for each person, pre-school children/non formal education/secondary students will be supported with 1,500 baht per month for each person, and 2,500 baht per month for each student in higher education/vocational level study)”.

⁴⁴⁹ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 2. The committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence and the nature of damage, including an opportunity to receive other reimbursements and eligibility.

⁴⁵⁰ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 3 regulates that the committee may determine the amount of compensation as following:

1. Necessary expenditure for medical care is paid for the actual amount, but not exceeding Baht 30,000.
2. Physical and mental rehabilitation is paid in the actual amount, but not exceeding Baht 20,000.
3. Loss of earnings during absence from regular work at the amount not exceeding Baht 200 per day, for not over one year as from the incapable date of the regular work.
4. Other damages incurred besides, (1), (2) and (3) may be paid under the discretion of the Board, but not exceeding the amount of Baht 30,000, in addition, besides (1) and (2) accommodation and meal is paid but not exceeding Baht 500,00.

⁴⁵¹ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 4, in case of death, when the accused person in a criminal case has died, the committee may determine the amount of compensation as following: (1) Compensation in the amount ranging from Baht 30,000 to not exceeding 100,000 (2) Funeral service to be paid in the amount of Baht 20,000 (3) Loss of support to be paid in the amount not exceeding Baht 30,000. (4) Other damages incurred beside (1) (2) and (3) to be paid at the discretion of the Board, but not exceeding the amount of Baht 30,000.

Loss of Opportunities including Employment and Education

The Compensation for Damages and Expenses for Defendants in Criminal Cases Act, B.E. 2545 does not provide a definition for reparation; however, it states that “compensation” means money, property or other benefits which the injured person is entitled to receive in order to compensate damage caused by, or due to, a criminal offense committed by others.⁴⁵² Also, the Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 states that the committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence and the nature of damage, including an opportunity to receive other reimbursements.⁴⁵³ It further indicates (1)...(4). Other damages besides, (1), (2) and (3) may be compensated for according to the discretion of the Board, but not exceeding 30,000 baht⁴⁵⁴ and in case of death, when the accused person in a criminal case has died, the committee may determine the amount of compensation as follows (1)...(4) Other damages incurred beside (1) (2) and (3) to be compensated at the discretion of the Board, but not exceeding 30,000 baht.⁴⁵⁵

4.4 Organizations and Methods of Restoration for Those Affected by Political Violence

In Thailand, humanitarian assistance payments made by the state to those who have incurred damages are paid ex gratia (just given) and it is not necessary to prove who was at fault (no-fault liability). Restoration assistance payments for damages incurred during social conflict

⁴⁵² Damages for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act, B.E. 2545, Section 3 regulates “Damages” means money, property or other benefit which the injured person is entitled to receive in order to compensate damage caused by, or due to, a criminal offense committed by other persons.

⁴⁵³ Ministerial Regulation on Standards, Methods and Rates for Compensation, Restitution and Benefits, B.E. 2546 (2003) No. 2 The committee may determine the amount of compensation by taking into consideration the circumstances, seriousness of the offence and the nature of damage, including an opportunity to receive other reimbursements and eligibility.

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should be made to victims irrespective of what side or group they belong to. The aim of restorative justice is to bring about reconciliation and forgiveness so that people can live together peacefully and happily, more than to prove wrong-doing and punish offenders.

In other countries that experience turbulence leading to a change of administration, or a change in thinking about national administration, and which results in the need to provide fair restoration to those affected, an independent fact-finding commission is usually established to determine the reasons for the conflict and to consider methods of restoration.

Even though the disturbances that resulted from demonstrations and dispersal of demonstrations that first started on 12 March 2010 have now stopped, confusion and ideological conflict among people in society is still apparent. This is because there has been no clarification of whether the facts and claims that caused the misunderstanding were true or not. Providing restoration assistance without taking into account which side was at fault, must be accepted by people in society and those who incurred damages as assistance that is impartial.

Establishing an organization or agency composed of commissioners from a wide range of fields (such as representatives from NGOs, lawyers, administrative personnel, military and police officers) specifically for the purpose of setting criteria and providing reparation support to the victims would show the government's sincerity more than having any state agency be the one to carry out reparations.

This committee could be similar to the one established by the Ministry of Social Development and Human Security and the Southern Border Provinces Administration Centre for providing restoration assistance to those affected by unrest in the southern border provinces.

As for a convenient method of providing restoration to those affected in terms of submitting claims; heirs or family members should be able to authorize other persons to make the claim for them, submit papers, or receive assistance payments on their behalf according to the procedures set.

District or sub-district offices (according to the situation) in areas where damages occurred, or where heirs or family members taking care of victims are residing, should be set as places or agencies that are responsible for accepting claims in place of a committee or assistance center. These offices should have the authority to accept applications on behalf of the committee as well as to consider appropriate initial restoration amounts. District and sub-district restoration assistance offices should be a combination of both state and private units in order to ensure transparency in procedures.

In addition, district or sub-district restoration assistance centers should screen requests and provide suggestions on the amount of reparation payment as well as the type and form of restoration by compiling relevant documents to presenting them to the central committee for further consideration.

When an injured person is not satisfied with the decision of the district reparation centre, s/he may submit a letter of complaint to the district reparation center which must

accompany the request to the Central Commission for further consideration. The Commission and district support center should set a definite timeframe for consideration of the request and avoid any unnecessary delay.

Individuals who wish to receive reparation support may submit a written statement or even a verbal request to the Commission or the district center. When requesting for reparation, the following documents need to accompany the claim: A copy of the claimant's official identification card, a copy of their medical report, a copy of the police report, a copy of their birth certificate, and photos of lost property etc.

4.5 Summary Report on Restoration Provided to People Affected by Incidents in Political Demonstrations

(1) TRCT has verified that individuals that incurred bodily injury have received reparation.⁴⁵⁶ The families of each of the 92 people killed during the violence have received 400,000 baht in reparation, a total payment of 36.8 million baht. Each of the four people who were physically disabled received 325,000 baht; each of the 86 people seriously injured (i.e. hospitalized for more than 20 days) received 100,000 baht; 599 people injured less seriously but who were hospitalized for 20 days or less received 60,000 baht. The total payment made for injuries that required hospitalization was 35,940,000 baht. Further payments of 20,000 baht were made to each of 984 persons that incurred minor injuries that did not require hospitalization totaling 19,680,000 baht. One special case which requires on-going treatment and medication received 423,209 baht.

⁴⁵⁶ In reference to the compensation payment before the establishment of the Coordination and follow-up on actions taken to implement the recommendations of the Truth for Reconciliation Commission of Thailand (ITRCT) Source: Ministry of Social Development and Human Security.

Table 1: Information on assistance or compensation given to individuals affected by the political unrest during April-May, 2010

Particulars	Number (cases)	Financial Assistance (baht/case)	Total payment (baht)
1. Deaths	92	400,000	36,800,000
2. Physically disabled	4	325,000	1,300,000
3. Serious injury	86	100,000	8,600,000
4. Moderate injury	599	60,000	35,940,000
5. Minor injury	984	20,000	19,680,000
6. Special medical assistance	1	423,209	423,209
Total	1,766		102,743,209

(2) TRCT also collected data on soldiers affected by the conflict. Of 782 cases; 4 were fatal injuries, 353 moderate injuries, 421 slight injuries, and 4 are still receiving treatment in hospital.⁴⁵⁷ (Table 2).

Table 2: Information on assistance and compensation provided to soldiers affected by violent incidents during April - May 2010.

Particulars	Number (cases)
1. Death	4
2. Moderate injury	353
3. Minor injury	421
4. Still receiving treatment in hospital	4
Total	782

(3) The violent events affected not only a large number of people but also a wide circle of people. TRCT joined with the Department of Mental Health to set up mobile medical teams and groups of public health volunteers to assess the effect the violence and unrest had on people in general after the events and provide mental health treatment where necessary. A total of 57,718 mental health professionals and volunteers visited and talked to 412,863 households in 42 provinces (a State of Emergency was declared in 23 provinces, as well as

⁴⁵⁷ All four soldiers have now been released from hospital.

every province in the northeast and northern part of Thailand). Over 3,250 activities have encouraged and supported restoration and rehabilitation. The Mental Health Department has followed up on activities that supported the victims of the violent incidents. A specific budget was approved by the Cabinet to support the follow up process of the Mental Health Department; however, the budget supported activities only up to November 2010. Because there were a large number of people physically and mentally affected, TRCT recommended that the government approve an additional budget to support continued restoration and rehabilitation.

Records of reparation and restoration show that out of 24,021 people given physical examinations, 973 had conditions that required treatment. Out of 68,926 cases given mental health examinations, 4,537 cases had mental health problems; including 1,322 cases of depression, 231 cases showing significant risk of suicide, and 67 cases with post-traumatic stress disorder (PTSD).

Table 3: Results of medical check-ups on those affected by the violent Incidents

Physical Check-up		Mental Check-up	
Details	No. of Cases	Details	No. of Cases
Had physical health problems	973	Had mental health problems	4,537
- Injured	61	- Depression	1,382
- Destabilized	97	- Risk of suicide	231
- Improved symptoms	575	- PTSD	67
- Others	240	- Anxiety	2,736
No physical problems	23,048	- Others	21
Receiving treatment/consultation	8,646	No mental problems	4,389
		Receiving treatment/consultation	15,536
Total physical check-ups	24,021	Total mental check-ups	68,926

Source: Mental Health Department, Ministry of Public Health

(4) There were 3,096 cases relating to damage to business operations and property during the political unrest. The government paid 154,800,000 baht in compensation payments. (Table 4)

Table 4: Information on assistance to business operators affected by the violent incidents during April and May 2010

Payment	Date	No. (cases)	Amount (baht)
No.1	2 June 2553	769	38,450,000
No.2	7 June 2553	189	9,450,000
No.3	9 June 2553	176	8,800,000
No.4	11 June 2553	102	5,100,000
No.5	20 June 2553	773	38,650,000
No.6	20 July 2553	961	48,050,000
No.7	From 11 August 2553 onwards	126	6,300,000
Total		3096	154,800,000

(5) Arrests relating to violations of the Emergency Decree on Public Administration in States of Emergency during the political unrest during April – May 2010 are as follows:

Summary of violations during the political unrest and other related cases (classified into types of case):

- Committing or abetting offences of terrorism as described by Section 135/1, 135/2, 135/3 of the Criminal Code
- Leading or commanding groups of 10 or more people with intent to commit acts of violence, disturb the public, or obstruct officials by using violence.
- Defaming, insulting or behaving in any way that threatens the Monarchy, the Queen, the Heir-apparent or consort, or the Head of a Foreign State.
- Violating the Emergency Decree on Public Administration in State of Emergency, failing to obey orders of legitimate officials or acting in any way that encourages disturbing the public in areas where violence is escalating.
- Stealing or accepting stolen goods, burglary, trespassing in restricted areas at night with vehicles, robbery, or destruction of goods.
- Persuading the public that an action violating administration laws does is not against the intention of the Constitution.
- Offences related to public peace and endangering the public.
- Offences related to the Firearms, Ammunition, and Explosives Act.
- Arson.
- Offenses related to state security.
- Killing a person.

- Other cases, such as offences against the Computer Crimes Act, the Drug Act, the Land Traffic Act, immigration acts or possession of an unauthorized telecommunication device.

Note: Some offenders were accused of several offences.

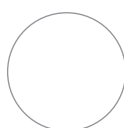
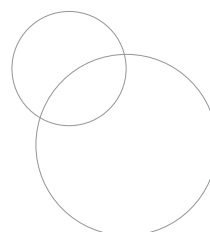
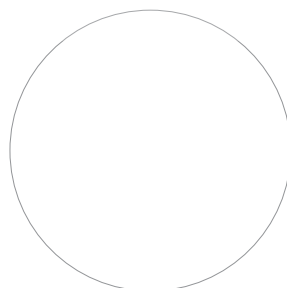
Table 5: shows the number of cases for which courts have given a verdict for each category of offence related to political unrest and related cases.

Table 5: Summary of Cases related to the Political Unrest (verdicts given by courts)		
Case	Penalty imposed	No. (person)
1. Emergency Decree on Public Administration in State of Emergency	Imprisonment for 6 months to one year, detained for 3 months instead of imprisonment	5
		2
2. Obstructing orders of officials during a state of emergency	Imprisonment for 2 years and 6 months	1
3. Narcotics Drugs Act, Land Traffic Act, Emergency Decree on Public Administration in State of Emergency	Detained for 135 days in lieu of penalty fees of 27,000 baht	1
4. Violating the Narcotics Drug Act and the Emergency Decree on Public Administration in State of Emergency	Detained for 85 days in lieu of penalty fee of 17,000 baht	1
5. Emergency Decree on Public Administration in State of Emergency and Firearm Act	Imprisonment for 1 year	1
6. Other acts related to causing disturbance within the community	Imprisonment for 2 years	1
7. Killing a person	Imprisonment of 20 years	1

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



PART

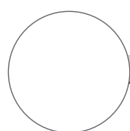
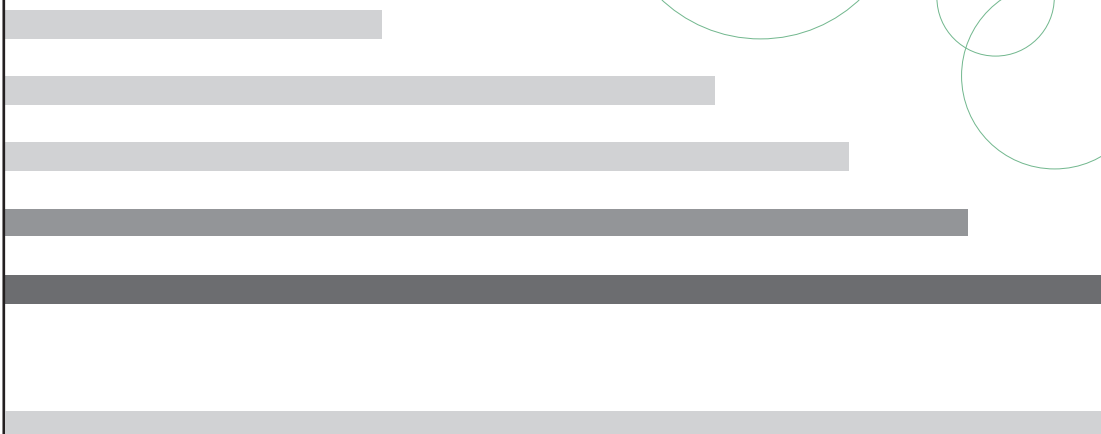
Recommendations

5

คณะกรรมการอิสระตรวจสอบ
และค้นหาความจริงเพื่อการปรองดองแห่งชาติ
Truth for Reconciliation Commission of Thailand



TRCT



Incidents of unrest and violence that have occurred, especially during April and May 2010, have brought about tremendous loss to Thailand. TRCT is very concerned about this on-going conflict as there are many factors that could lead to a proliferation of the conflict and escalation into violence in the future. We request that all parties realize that the great loss and damage our country has sustained is because of the conflict and division within our society. We should use the crisis that has occurred in the past to remind us of these losses and the need for us to come together and foster an environment that can stop our country from falling into such violence again. This means that we must help each other to overcome the conflict and bring about reconciliation.

TRCT have recommendations on building reconciliation in our country. TRCT calls on the state and all sectors of our society to earnestly implement the recommendations that the Commission has made so that we can achieve a tangible reconciliation that brings benefit to all; not just to select those recommendations that benefit only our own side or some other group. Mindful of this, TRCT make the following recommendations.

5.1 Recommendation on Using the Facts About the Events and Root Causes of the Conflict as a Lesson in Reconciliation-Building.

TRCT call on the government, leaders of the opposition, political parties, political groups on all sides of the conflict, the press, and the public to see the importance of finding a way to unify so as to be able to solve the problem of conflict and violence. This can be achieved by coming together and nurturing an atmosphere for reconciliation, by ceasing to act in ways that will create conflict, and by building an understanding of the true causes of the conflict. In this way, Thai society can overcome the conflict and create a lasting reconciliation.

5.1.1 TRCT calls on all sides to understand that reconciliation is not only an outcome, but also a process. It is a process that is driven by methods that are acceptable to all sides, and dependent on the participation of all sides. Reconciliation is a process that cannot be rushed. All sides must join together to maintain an atmosphere of reconciliation within the country and not let the conflict situation escalate into violence. The situation must be handled carefully,

with circumspection, and based on democratic principles. TRCT would like to repeat that the process of reconciliation takes time, patience, and the involvement of all parties. Any effort to speed up the process of reconciliation will not be conducive to a suitable atmosphere for reconciliation and will only cause doubt and suspicion among those involved. It will also be a significant obstacle to finding a way out of the conflict and building reconciliation among people in our nation.⁴⁵⁸

5.1.2 TRCT calls on all parties to cease any activity that would create conflict and destroy the atmosphere for reconciliation. All parties should realize that reconciliation will be impossible if those involved in the conflict think only of beating the other side and emerging as the winner without compromise or agreement. TRCT call on all sides to broaden their thinking and to listen to opinions different from their own and to cease disseminating information and articles that incite hatred and violence towards each other. Use reason more than emotion when considering issues, respect each others' rights and freedoms, and lessen the competitive attitude that seeks victory over the other side or looks at problems just from one's own viewpoint.

5.1.3 TRCT perceives the conflict as stemming from a conflict of interests of persons who do not want to lose their own power or benefits and incorrectly use their political power to interfere with state agencies and independent organizations without considering the impact that this might have on the country. This problem reflects a lack of political ethics and good conscience on the part of politicians and those holding political office. This is a major obstacle to building national reconciliation. TRCT calls on the political sector and all politicians to consider their duty and responsibilities as persons who have accepted to serve the people to the best of their ability and to work with honesty and transparency for the benefit of the nation. They should not use the political arena to incite discord or bring up new issues that generate continued conflict. This would just bring about a repetition of the original conflict or make it even worse. In particular, political advantage must not be used to incite hatred and division among the people in order to gain personal advantage. Political groups should use the parliament as their principle forum for solving problems and political conflicts; and not forums outside the parliament. In addition, TRCT believes that all political parties should compromise and agree on ways to reduce the conditions that have brought about the conflict; they should establish mutual trust and create an atmosphere for reconciliation.

5.1.4 TRCT's research into the facts of incidents and the root causes of the conflict revealed that the crisis and conflict that led to violence, especially during April and May 2010, although appearing to be between individuals or groups, is in fact a conflict deeply rooted in

⁴⁵⁸ Recommendation 3.1 in 3rd TRCT Interim Report.

the basic social, economic, and political structure of our country. This structure has led to distrust between various groups in Thai society. Some distrust the status quo and others oppose changes so as to maintain the status quo. This type of conflict; when conjoined with the problems in the socio-economic structure, including social inequality; along with weak democratic mechanisms, rule of law, and system of justice; and use of the media to incite conflict; gave rise to a crisis and conflict that is interlinked and complicated. There is no single root cause that can explain the conflict. This clearly reveals that Thai society is “a society in transition”. All parties need to know and understand the root causes of the conflict so that a way can be found for Thai people to come together and find a solution to the problem based on the economic and social structure of our society. This will enable us to overcome the conflict and bring about reconciliation.

5.1.5 In disclosing the facts about the conflict and violent incidents that have occurred, TRCT aims to create a common understanding among the people; one of the important building blocks for reconciliation; as well as provide a summary of the incidents to serve as a lesson for us. This is a lesson that needs to be learnt if we are to prevent our country experiencing such a crisis again. In order to understand the truth, all parties must be open-minded, tolerant and willing to listen and accept differences. TRCT is very concerned that after the facts are disclosed, some of them may be used in a way that ends up creating more conflict or opens up new issues for argument which is not our intention in disclosing the truth. For instance, people might choose only some of the facts that are useful to their own side and present them to the public in an incomplete form so as to attack the opposing side. TRCT requests that the government, political groups and the media understand these concerns of TRCT and refrain from the actions mentioned. Also, that they consider the effects that such actions may have on our society if only some of the facts are revealed or only part of the picture is given.

5.1.6 The process of reconciliation is relevant to, and has an effect on, all sectors and all people throughout the country. Therefore, any initiative by the government or political groups striving for reconciliation must consider the importance of public participation in the reconciliation process. The state and state agencies involved must reveal information and provide clear reasons to the public so that they understand what is being done. There must also be a system in place for feedback from the public; especially from those who incurred losses and were affected by the incidents. Channels must be made available to the people to communicate together, to build understanding, and to exchange opinions; especially channels for broad-based discussions about the root causes of the conflict. Society will come to understand the issues more clearly and be able to find a way out together by promoting public forums, deliberative

dialogues, or public deliberations⁴⁵⁹ where people can express their opinions and listen to the opinions of others who hold different views. This would allow people to find a way to compromise and to understand the issues in the same light. In this way, we can live together in one society but differ in peaceful ways.

5.1.7 TRCT believes that reconciliation is a continual process that depends on the participation of all parties. Even though TRCT has come to the end of its mandated period of operation, the process of reconciliation must continue. In any event, during this present period of social division when people have broken into different groups and sides, the actions of any group, including encouragement by the government to bring about reconciliation, may be resisted or viewed with suspicion, especially from those parties that were adversaries in the conflict. For this reason, TRCT believes that the state should create impartial mechanisms to support continuation of an efficient process of reconciliation, provide funding for those mechanisms and not interfere in their work. For example, establish a reconciliation network made up of groups of individuals who are impartial, who represent all sectors of society – the state, the private sector, civil society, the media, and academic institutions – and who desire to play a leading role in the democratic and peaceful process of reconciliation.

5.2 Recommendations Relating to the Adoption of Transitional Justice

General Principles

5.2.1 Conflict is a natural phenomenon in all societies. If a society lacks effective mechanisms for dealing with conflict there may be great losses, especially when opposing parties in the conflict resort to violence in order to achieve their desired goals and this violence is not acceptable to society. TRCT see that when violence occurs all parties should develop an understanding and implement the principles of transitional justice which are important principles that will lead a society to overcome the conflict and prevent further violence.

⁴⁵⁹ (1) Organized public forums are attended by many people and provide opportunities for participants to exchange information and opinions. They focus on listening to recommendations from those who attend the forum. The work group that organizes the forum is responsible answering questions and uses the information obtained for further activities.

(2) Deliberative dialogues are discussions among participants from many parties. Participants do not necessarily represent any group and discussions are not limited to just the conflict. Participants exchange ideas, opinions, and experiences and also reflect different viewpoints so as to allow for an understanding of the problem from all sides. This is an important foundation for decision-making or appropriate procedures. It does not require that any conclusions be made on issues related to the conflict.

(3) Public deliberation differs from deliberative dialogues in that it is not just discussion to promote mutual understanding. It is a process leading to group decisions by the public or to compromising together about how to go about solving the problem without focusing on winning or losing.

The principles of transitional justice do not cancel out those of the (existing) system of justice. They provide a flexible mechanism that is appropriate to Thai society as it passes through this period of conflict. In implementing the principles of transitional justice, we must start from a disclosure of the truth and establish a process whereby the groups affected by the conflict and society at large can be informed. The truth that is disclosed will enable us to decide whether legal proceedings should be commenced or whether responsibility should be shown in some other way which may not involve legal action. It will also lead us to decide whether amnesty should be given for actions in those incidents or not. It may also help us decide what should be done in order to find a way out of the conflict that is acceptable to all sides. During this process of finding our way, suitable restoration should be provided to all those who were affected by the violence.

Legal proceedings

5.2.2 TRCT believes that people who commit offences against the law must be legally accountable. If the offence is a criminal offence, then there must be criminal liability and the offence must be dealt with by the justice system according to law. TRCT is not confident that peace and happiness in our society will be achieved if justice is not served and culprits are not dealt with by the system of justice. TRCT therefore calls on the state to investigate and bring the culprits from all sides in the conflict to justice. The state must guarantee that legal proceedings against the culprits will be fair, equitable, non-discriminatory, and respectful of the rights and freedoms of accused persons, defendants, and claimants in all criminal cases. Also, cases need to be adjudicated by courts that are capable, independent, and impartial.

5.2.3 TRCT believes that breaches of criminal law during violent incidents or situations of heightened political conflict such as those that we have experienced would not generally occur during normal times in our society. They are induced by a clash of political ideals that make people resent unfair treatment. During the conflict and violence that occurred in Thailand, culpable actions were rooted in the political conflict; the perpetrators were not hardened criminals. In these cases, imposing punishment for violent behavior may only anger the accused people further and this would be an obstacle to reconciliation. TRCT believe that applying the principles of criminal justice, which stress only punishment, may not solve the current problem which is rooted in political conflict. Such a way of proceeding is inappropriate for Thai society in its current state of transition. TRCT wishes to stress again the necessity of implementing the principles of transitional justice and restorative justice together with criminal justice procedures in order to restore relations between the groups in the conflict, facilitate justice for all sides,

and reduce conflict. Possibly, we can learn from the measures implemented in other countries that have faced violent conflict and adjust the measures they employed to suit our unique situation in Thailand.

Restoration

5.2.4 TRCT believes that compensatory restoration and rehabilitation of victims of violent incidents, as well as returning justice to those affected by actions that are contrary to the rule of law, is an important condition for reducing conflict and preparing for national reconciliation. TRCT believe that the government must proceed in earnest with systematic, comprehensive, and continuous restoration that covers the various types of damage sustained, both physical and mental/emotional, so that conditions can be returned, as much as possible, to their original state. Restoration should not be limited to just financial compensation.⁴⁶⁰ The state must proceed continuously and in a tangible manner that is appropriate to the type of damage and loss sustained. For example, rehabilitation of mental state and dignity, legal assistance, advice on livelihood or occupational training, educational services, non-discriminatory prosecution of offenders, tax exemptions or tax reductions, or by offering an apology. In addition, the state should give importance to restoration and rehabilitation of communities or society, particularly residential or business areas that were affected by the demonstrations and incidents of violence, by offering such things as assistance with rental payments, finding buildings or areas suitable for selling goods, or reducing charges for public utilities.

5.2.5 The state should compile a chronicle or build a memorial for the people to remind them of the violent incidents, the victims of violence, and the damage to our country from the violence. This will remind us about restoration and the need to prevent the illegitimate use of force by any party. It will also help the people develop a shared feeling of responsibility for preventing violence from ever occurring again.

5.2.6 TRCT would like to repeat TRCT's recommendation concerning restoration to groups who participated in protests during the period of political conflict over the last few years and who were treated unfairly in subsequent legal proceedings. It was found that this recommendation was not given serious consideration and there has not been any tangible response. TRCT call on the state to urgently proceed with restoration and rehabilitation of this group, especially those who were accused of using excessive force and have not been granted temporary release. Apart from not having an opportunity to defend themselves in these cases,

⁴⁶⁰ Recommendation 5.4.3 in 2nd TRCT Interim Report

these people and their families are strongly affected by such treatment.⁴⁶¹ The government must find measures to reduce the impact of actions taken against this group by providing humanitarian assistance to the families of the defendants who have not been able to obtain temporary release. The government should also pay compensation to accused persons who the court has acquitted, irrespective of which court considered the case.

Showing Responsibility by Apologizing

5.2.7 Based on the facts and root causes of the conflict, all parties involved must accept some degree of responsibility. Every party; whether the government, the opposition, political parties, leaders of the demonstrations, security agencies, or the media; should review their role and actions in the events. TRCT call on the leaders of all these groups, most especially the prime minister who was running the country at the time the violent incidents occurred and/or the current prime minister, to apologize to the public. These leaders should express their responsibility, as leaders of the government, for the incidents of violence that occurred. An apology is especially appropriate to the victims of violence because the state was at fault by not having effective mechanisms for peacefully managing the political conflict which eventually resulted in loss of life, injuries, and damage to property and the feelings of the public. The leaders should also indicate their intention to protect the personal safety and property of the public by trying as hard as possible not to allow violent incidents or gross violations of human rights to occur again. It is TRCT's opinion that, in addition to providing restoration of human dignity and honor of the victims, this would also be a good example of political responsibility and would help create a better atmosphere for reconciliation in our country. TRCT requests that all parties realize that accepting responsibility and apologizing are necessary conditions for national reconciliation, no matter how much time has passed since the incidents occurred.

Amnesty

5.2.8 Amnesty is one of the mechanisms which may lead to reconciliation. However, in granting amnesty we need to consider what is appropriate in terms of time, situation, and procedure; otherwise it will not facilitate reconciliation. Rushing to grant amnesty can also create issues that give rise to renewed conflict. There are movements related to amnesty for offences connected to the unrest and political violence which are encouraging the government to consider drafting a Reconciliation Act which would grant amnesty to offenders. TRCT believe this is rushing the process of reconciliation which requires participation by all groups in society, especially victims and those who were injured who will be directly affected by the amnesty as the offenders will not be charged or punished according to the system of justice for offenders.

⁴⁶¹ Recommendation 5.6 in 2nd TRCT Interim Report

Rushing to grant amnesty like this will affect the atmosphere for reconciliation in our country. It will make people suspicious and may lead to confrontation which could escalate into violence.

5.2.9 Amnesty is not the aim of final outcome of reconciliation. TRCT believes that even though granting amnesty is one way to help society reconcile, the issue of amnesty must be dealt with very carefully during this period when Thai society is in transition from conflict to reconciliation. A holistic view of the principles of transitional justice needs to be adopted. The response desired by those who were affected by the violence needs to be matched to the responsibility of the offenders. Let offenders provide compensation or express responsibility to those affected and to society until those who were involved in the conflict come to understand and forgive each other or come to a compromise to grant amnesty. During a time when there is no conclusion about amnesty, the state must safeguard the rights of those who were injured. They must be provided equal access to the system of justice and be able to proceed with cases against those who were involved.

5.2.10 TRCT believes that amnesty should be granted when it does not impact on the rights of victims or those affected to know the truth about what occurred, the right to access the system of justice, the right to receive appropriate restoration, the acceptance of responsibility by those involved, and a guarantee from the state that violence will not occur again. These are all elements of transitional justice. Amnesty which limits these rights will very likely be opposed by society and be an obstacle to any agreement to build national reconciliation.

5.2.11 Amnesty cannot proceed without some boundaries. It must proceed according to the rule of law and universal standards. TRCT believe that an amnesty law must not be self-amnesty - a process whereby those who have committed offences make a law to exempt themselves from responsibility - nor should it be a blanket amnesty that absolves all parties involved without any conditions. Grants of amnesty must clearly specify what offences are covered by the amnesty and the conditions under which the amnesty is granted. The offences committed need to be classified according to the characteristics of what was done by the people involved using a legitimate legal procedure which corresponds to universal standards and based on the democratic principle of having all parties participate.

5.2.12 Granting amnesty must take into consideration the protection against erasure of wrong-doing, or impunity. In addition, TRCT believes that the government must consider amending or abrogating laws that would result in illegitimately erasing wrong-doing and consider carefully the *Rome Statute of the International Criminal Court* so as to prevent culprits from escaping from the system of justice and committing criminal acts in the future. This would include amending

relevant laws so that Thai courts can proceed with cases according to “trial in absentia” - considering a case without the defendant being present – on condition that the state guarantee fair consideration of the case and set strict and clear conditions for criminal cases relating to some types of extreme human rights violations.

5.3 Recommendations Concerning the Rule of Law and the System of Justice

The conflict situation has made Thai society divide into opposing sides and has made each side suspicious of the other. TRCT believes that uncertainty about the rule of law and the country’s system of justice is an important factor in arousing this distrust and feelings of enmity. This is not just a lack of confidence in one or other organization within the system of justice or the effectiveness of law enforcement but, because of the conflict, it is a distrust of the complete system of law and justice.

During the incidents the opposing parties both claimed legitimacy for their own side based on the law and the system of justice in order to protect their own benefits. This diminished everyone’s confidence in the system of justice. An example of this can be seen in a conflict which was a major cause of deterioration of confidence in the legal system: The judicial decision in the case of the hidden assets case by the Constitutional Court in 2011, at the beginning of the term of government of Pol. Lt. Col. Thaksin Shinawatra, which involved a distortion of the law. Another incidence occurred after the coup d’etat in September 2006 when a notice was given by the Council for Democratic Reform under Constitutional Monarchy (CDRM), 27th edition, which increased the penalty and revoked voting rights for political party executives whose party had been dissolved and in the 30th edition with the appointment of the “Commission to Investigate Activities that Caused Loss to the State” that investigated the use of authority by the government of Pol. Lt. Col. Thaksin Shinawatra and which gave rise to criticism of back-dated laws and to the setting up of counter investigations. Yet another incidence occurred with the issue of amnesty according to Article 308 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007). Further, with Article 237 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) stipulating the dissolution of political parties and revocation of voting rights of executives of political parties which was criticized as being contrary to the principle of proportionality and appropriateness to cause under the rule of law. Yet another incidence was the “Cook and talk” case in 2008 when the Constitutional Court passed a unanimous resolution that Mr. Samak Sundaravet be relieved of his position as prime minister because he had been a speaker on a television show which made him an employee of a private company, a condition that is prohibited by the Constitution. This decision was criticized as interpreting the law too broadly according to the intention of the Constitution in relation to conflict of interests. On the issue of the rule of law and system of justice, TRCT has the following recommendations.

5.3.1 The Constitution of the Kingdom of Thailand B.E. 2540 is one of the major reasons for uncertainty about the legal system of the country. This Constitution stipulated that the judiciary have an increased role in political checks and balances through such measures as requiring that there be a Constitutional Court as well as a Supreme Court handling criminal offences of those currently holding political office. By setting the role of the courts in this way, even though it corresponds with the principle of checks and balances between the various branches of government according to the democratic system, authority must be exercised very carefully because the legislative branch, the executive branch, and the judicial branch each have their specific authority based on the theory of separation of powers and the authority of each of those three branches has a role in checking and balancing each other according to the rule of law. TRCT call on all parties to see the importance of setting suitable administrative roles within the democratic system under the rule of law. This is especially true for the judiciary, the highest authority in judging disputes and conflicts. It must be careful in exercising its authority appropriately within the framework of the law and the rule of law so that a balance of power is maintained among the executive, legislative, and judicial branches.

5.3.2 The state and the system of justice should lead society in choosing to manage conflict peacefully and be careful not to become those who destroy the rule of law and violate the rights of the people. Furthermore, the government should promote understanding of the rule of law among all parties involved in the conflict and support research into ways to maintain the rule of law in Thailand by increasing the number of academics, experts, or academic institutes related to the rule of law. In addition, the state together with the people should promote understanding of the rule of law by organizing public forums or deliberative dialogues that will open the field to constructive argument and mutual understanding of the rule of law. This would create more public participation and develop the potential of civil society in following and checking on the use of power by the executive, legislative, and judicial branches of government.

5.3.3 TRCT calls on the government, the opposition, political parties, and all parties involved in the conflict to desist from claiming their own legitimacy according to the law and the system of justice for their short-term benefit. This affects the confidence and trust in the rule of law and the justice system in the long term. All parties must stress maintaining the rule of law in Thailand and clearly express their political will to adhere to the rule of law in administering the country so as to solve this problem of conflict and build enduring reconciliation. All individuals, institutes, and organizations must adhere to principles in administration; whether state or private. The state must accept responsibility under the laws which have been announced to the public and enforce them equally for all people. They must accept the decisions of courts that are independent and which correspond to the universal standards and criteria of human rights by

respecting the supremacy of the law, equality under the law, and fair enforcement of the law, the division of power, participation of all in decisions, the certainty of the law, not doing according to what one likes, transparency of the law and legal procedures.⁴⁶²

5.3.4 The state must always keep in mind that the use of force by any state agency must be according to due process of law and follow legal statutes. The state must have an effective procedure for checking the use of state force whether by legislation or by judicial or independent organizations and must be based on checks made by an agency that is not under the control of the state such as civil society groups or the people. Further, the state must set effective control measures for situations in which state agencies use illegitimate force.

5.3.5 Laws enforced in the state must be legitimate, clear, and understandable. The government must provide opportunities for the people to access state information and distribute information relating to laws and draft laws so that the public have a broad and thorough understanding of them. The public must understand how the content and boundaries of the laws will be enforced so that they can avoid committing offences. Laws must correspond to the principle that people must know the negative results of their own actions at the time of performing the action.

5.3.6 The system of justice was an important factor in the escalation of conflict into violence. The system of justice was suspected of not being independent; of being interfered with; and lacking accountability, especially in regard to procedures and judgments in political cases. Some groups felt that this was unfair and discriminatory and criticized the Thai justice system as having a “double standard”. When one side in the conflict, formerly the opposition, was elected as the government the lower levels of the justice system that work for the executive branch, such as investigators and officials in special investigations, were accused of being political tools of the government in managing the opposing side. This made the public distrust all levels of the justice system and became an ideological rallying point for dissatisfaction with the exercise of state power. Some groups became resentful and would not accept the mechanisms of justice and this created conflict which eventually escalated into violence. The government

⁴⁶² The “rule of law” is a concept at the very heart of the Organization’s mission. It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. Refer to “The rule of law and transitional justice in conflict and post-conflict societies,” United Nations Security Council, Report of the Secretary General, S/2004/616 ¶ 6 (23 August 2004).

and related agencies that command the use of state power must build public confidence that the agencies of the system of justice, especially agencies under the control of the executive branch, are capable of carrying out their duty independently and without interference. All agencies in the system of justice must take an impartial stance and not side with one or other of the parties involved. They must adhere to the principles of neutrality and non-discrimination. TRCT would like to emphasize the recommendation that it has already proposed that “. . . agencies within the system of justice need to be particularly careful to remain absolutely impartial and not side with one or other of the parties in the conflict. Agencies involved in law enforcement including the National Police Office and the Department of Special Investigation must be impartial and strictly adhere to legal principles. They must be careful to avoid being seen as instruments of the state as this is one of the issues in the conflict. Prosecutors must act independently, impartially and with courage in following correct procedures in supervising investigations and initiating legal cases. It is necessary that judicial courts – the last legal recourse - understand the complexity of the problem and consider the long-standing antecedents and complex nature of the conflict”.⁴⁶³

5.3.7 A system of criminal justice that is fair and efficient is an important foundation for building reconciliation. TRCT believes that the state must understand correctly the principles of criminal justice, especially in situations of sensitive conflict such as this. The government and those involved in commanding the use of state power must enforce the law and procedures of justice with care and in accordance with the principles of human rights, human dignity, and non-discrimination as follows.

1) TRCT has already proposed a recommendation relating to shackling and using fetters and handcuffs on accused persons⁴⁶⁴ and those detained by the Department of Corrections. TRCT would like to emphasize that the government should refrain from this practice. Further, that the government and relevant state agencies apply the *United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955* and the *United Nations Standard Minimum Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, 2010* to ensure that their practices correspond to universal principles in administering punishments and enforcing corrections laws.

2) TRCT calls on the government to earnestly proceed in systematically investigating and clarifying accusations of use of excessive force by agencies of the system of justice. Agencies in the system of justice should consider screening cases for trial that relate to the right to political expression and should review accusations made against groups that made excessively strong political demands, such as accusations of terrorism, by screening or considering individual cases

⁴⁶³ Recommendation 5.5 in 1st TRCT Interim Report.

⁴⁶⁴ Referred to in footnote 23, Appendix 4, and recommendation 3.2.1 in the 3rd TRCT Interim Report.

according to the type of behavior dealt with in the case. Then, to quickly inform the public of the reasons why temporary release of accused persons or defendants in political cases may or may not be granted as this is an issue about which the public have doubts. When there is sufficient evidence of the behavior stipulated, the case can proceed.

3) TRCT emphasizes its recommendation relating to the detention of people by the state according to the law. TRCT call on the government to consider the basic rights of accused persons and defendants in criminal cases to be granted temporary release.⁴⁶⁵ TRCT request that the government and relevant agencies of the justice system should earnestly proceed in granting temporary release to detainees in order that people accused and defendants can fight the charges to prove their innocence and reduce the impact stemming from the limitation of their rights. Defendants should be presumed innocent and it should be realized that accusations of violence do not preclude them from temporary release according to the law. In addition, the law on consideration of criminal cases does not stipulate a call for money or property as a guarantee (bail). The practice of agencies in the justice system that set bail provides an opportunity to professional bail providers (bailsmen) and insurers who try to gain benefit from the system of justice. This is not correct, nor appropriate. In this matter, the government and agencies within the system of justice must learn and understand the issue of temporary release and must proceed according to the law.

4) TRCT found that, in criminal cases, the rights of those who were injured are not being properly protected. Those who were injured have many rights such as the right to proceed with criminal prosecution and the right to receive compensation. However, the law does not stipulate that officials in the justice system inform the claimants of their rights so claimants who do not know the law or do not have a good legal advisor will not know anything about their rights in criminal justice cases. This is different from situations in which accused persons or defendants in criminal cases must be informed of their rights according to law. TRCT believe that the state should improve this situation about informing claimants of their rights so as to create social equality and reduce criticism that there is a double standard in the Thai justice system.

5.3.8 TRCT found that inquiries and investigation of cases relating to the incidents of political violence during April and May 2010 were interfered with and forensic evidence in some instances was incomplete. It was therefore not possible to facilitate justice for all parties. To be able to facilitate justice to all parties equally, TRCT believes that the state should promote access to the system of justice for all those who incurred losses, without discrimination, and those whose rights were violated. Also, to investigate cases impartially, independent of political

⁴⁶⁵ Referred to in footnote 24, Appendix 5 and recommendation 3.2.2 in the #rd TRCT Interim Report.

influence. This would include promoting the use of forensic procedures to find evidence that is objective, impartial, and complete.

5.3.9 In solving the problems of the system of justice in the long term, TRCT believe that the state must systematically reform the law and system of justice so that they are efficient, transparent, accountable, and corresponding to the rule of law. Such a reform must cover the whole system to make it more appropriate to the changing social situation; from the beginning to the end of law enforcement, from the start of inquiries and investigation, through filing charges, treatment of offenders and those accused, developing a mechanism to protect against wrong use of the system of justice, decriminalization, and reducing criminal penalties (depenalization). Also by canceling all situations that allow for impunity from criminal responsibility, establishing justice system mechanisms for special situations, promoting protection of human rights in the system of justice and treatment of offenders by considering their human dignity, and by promoting participation of the public in the justice system and by teaching them about the system.

5.3.10 Many of the problems with the system of justice in Thailand, particularly regarding consideration of criminal cases, occur because of the way the law is taught. Those who study the law lack understanding of the theories of law. At present, the study of law in universities and among lawyers stresses methods of applying the law and memorization of the articles of law more than the philosophy or theory of law. TRCT believes that the state and agencies involved in the study of Thai law should develop the study of law and the quality of personnel in the field of Thai law to know and understand the philosophy and theory of law and justice by placing importance on respect for the rule of law and ethical training for lawyers. In addition, the curriculum for the study of law should enable students to understand social context and social problems so as to develop their thinking about the law and knowledge of how to adjust the law to correspond to the real state of Thai society.

5.4 Recommendations Concerning Democracy, Good Governance, and Respect for Human Rights in Thai Society

TRCT found that one of the root causes of the political conflict was different views on the country's democracy, with one side giving weight to the legitimacy of elected officials and the other side giving weight to the virtue and ethics of elected officials more than to the fact that they were elected by the majority. This difference in belief gave rise to people choosing a view or interpretation of democracy that corresponded to their own beliefs or their own advantage and to refuting the view of the opposing side. This led to a division of society. Regarding this matter, TRCT has the following recommendations.

5.4.1 TRCT asks that all parties understand that even though the system of democracy is not without faults, it is the best system of governance at the present time. If there is a problem with the faults of the democratic system, the people in the country must be patient and learn to solve those problems by making adjustments and reforming the system using democratic and peaceful means. These could include parliamentary or judicial system procedures or a referendum, but not a coup d'état. TRCT call on the political sector, the army, and every member of the public to believe in, and adhere to, the democratic system. No matter how serious the political problems may be, we must solve those problems using only methods of the democratic system. In addition, TRCT believe that the state must promote learning, thinking and ways to solve conflicts using peaceful means among people in society and among state officials at all levels. In addition, these issues should be taught in institutes of learning.

5.4.2 TRCT believes that the state must teach the public about the important principles of governance under the democratic system including promoting the values of democracy in families, educational institutes, and organizations as well as democratic ways of behavior. The state must support the exchange of knowledge so that all people understand that the sovereign power of democracy rests with the people. Therefore, all parties must accept the results of legitimate elections but should understand that just having an election does not reflect being truly democratic; there must also be good checks and balances of power among the legislative, administrative and judicial branches and the governance of the country must be transparent and responsible and be carried out for the benefit of all.

5.4.3 The state must apply the principles of good governance to the administration of the country and apply them with efficiency, transparency, and accountability. There must be an efficient mechanism of checks and balances to create social justice and maintain the confidence of the people in the governance of the state. In addition, the state must solve the problem of

dishonesty and cronyism by promoting a mechanism to check for dishonesty that is transparent, independent and impartial and is capable of working in a concrete manner without interference or being used as a tool by one or other party. The state should support the joining of civil society groups or public networks as another way of carrying out checks so as to promote a social sanction against politicians or political office holders who behave improperly.

5.4.4 TRCT calls on all politicians to hold to the ethics and professional behavior of their profession. The political sector should improve the process used to select people that enter politics to protect against politically unscrupulous people obtaining political office. Also, to encourage people who are knowledgeable, capable, and ethical to enter the Thai political system. TRCT also call on the state to strictly adhere to its obligations to *the United Nations Convention against Corruption, 2003*.

5.4.5 The state must protect and guarantee the basic human rights and freedoms of the people. These include citizen's rights, political rights, and basic freedoms of the people. The state must protect against violations of rights and freedoms; irrespective of which group commits the violation; that might lead to conflict and violence. The state must also set measures to protect against severe violations of human rights. During a period when the nation is experiencing conflict and there is expression of differences in political views, TRCT believes that the state must protect the people's right to freedom of expression which proceeds according to the framework of the law using peaceful means, including protection of people from dangers arising from the exercise of such freedom. Also, the state must be very careful not to use the law as a political tool to close or limit people's access to information and news or to limit the people's freedom to express views and opinions within the framework of the law.

5.4.6 The state, as a member of the United Nations, is obliged to respect the international principles of human rights. TRCT asks that the government practice according to its international obligations that contain substantive agreements important to protecting the basic human rights and freedoms of the people. Also that they consider modifying or abrogating laws that excessively impact on important aspects of rights and freedoms of the people, including laws that clearly conflict with the rule of law such as impunity laws. In addition, the state should distribute information relating to rights and freedoms of the people according to the Constitution and essential points in international agreements relating to human rights so that the public are well-informed on this issue. Agencies and state personnel should be made to understand this issue so that they adhere to the rights and practice them effectively.

5.4.7 The state must develop a mechanism and promote a solution to the problem of

conflict in our society using peaceful means as well as promote education of the public and training of state personnel so that they are knowledgeable about, understand, and are skilled in using such a mechanism to solve conflict at all levels. Political leaders and society must be a model in solving conflict using peaceful means.

5.5 Recommended on Solving to the Fundamental Problems in Thai Society

TRCT believes that as long as the root causes of the conflict in Thailand are not truly solved; especially the fundamental problems such as economic and social inequality, unequal ownership of resources, unfair distribution of earnings, and corruption; Thai society will remain in a state of latent conflict which may erupt into violence in the future. In order to reduce the problem of social conflict and build lasting reconciliation in our nation, TRCT have the following recommendations.

5.5.1 The government must be determined and have the political will to undertake economic, social, political, judicial and legal reforms in order to solve the fundamental problems in Thai society.

5.5.2 Important root causes of the conflict are social, economic, and political inequality as well as a lack of social justice. These have made the people call for change. TRCT believe that the government should set legal measures or policies to reduce the various forms of inequality, build social justice, and create a mechanism for equal access to justice as well as solve the problem of economic inequality among the people. In this regard, the government should give consideration to the rights and opportunities of children, youth, women, the elderly, the disabled, and those who lack opportunities in our society.

5.5.3 The government must stress implementing measures or policies to facilitate equal and sustainable sector development. It must raise the quality of life of the people, including providing education, developing the quality of education, and creating equal opportunity for access to education. Also, by promoting knowledge and understanding of political administration within the democratic system so the people can follow the activities of politicians and are able to participate in checks on politicians.

5.5.4 The government should adjust the views and management of the state and the civil service system by stressing public participation and promoting equal rights and opportunities for all citizens to participate in politics. Also by adjusting the attitude of state agencies so that they respond equally and efficiently to all members of the public, strengthening and developing

the potential of communities and society so that they can sustain and rely on themselves. The government should reduce the role of centralized administration and stress a distribution of power to communities and the people, empowering them to be initiators and implementers of activities. This will support the democratic system and strengthen public politics. In addition, the government, through related agencies, should learn about the rise of various people's political groups; their structure and the development of relations between these groups and the stance taken toward them by the state and society. This will help in determining ways to develop public sector involvement in politics in an appropriate way that corresponds with national development.

5.5.5 The government, political parties, and political groups should promote the creation and adjustment of a structure of power that facilitates equalized sector development. Also, a political institution or political party should be created that is representative of the people; one that can manage policies that reform society, stress equality of the people, and consider the genuine benefit of the nation, not just of leaders or influential groups.

5.6 Recommendations Relating to Constitutional Amendments

The Constitution is the highest law that sets out the criteria for a social structure, politics, and administration of the country. It is the administrative heart of the democratic system under the rule of law. The importance of the Constitution as the highest law makes it necessary that it be genuinely accepted by all parties. The present conflict is closely linked to articles in the Constitution of the Kingdom of Thailand B.E. 2550 which was declared after the coup d'état and the dissolution of the Constitution of the Kingdom of Thailand B.E. 2540. This latter Constitution was drafted using a process that clearly involved the citizens of the country and which is commonly referred to as "the people's constitution". Although the present Constitution lacks acceptance by all the people, TRCT is very concerned about initiatives to amend it because constitutional amendment is a sensitive issue that could end in conflict. On this matter, TRCT have the following recommendations.

5.6.1 In the view of TRCT, the numerous movements to amend the Constitution are well-intended and are directed toward easing the conflict in our society or adjusting the political structure to be more democratic. However, during a time when the country is divided like we are, encouraging urgent constitutional amendments when most of the citizens have not been fully informed about the content of the changes and do not correctly understand the procedures of constitutional amendment will only generate distrust toward those initiatives as there are groups who do not agree with such changes. TRCT call on the government, the parliament, political parties, political groups or related organizations to consider that constitutional amendments

must correspond to the rule of law, the highest legal principle of the Constitution. They must be carried out correctly according to constitutional procedure and based on the democratic process. Possibly, an earlier constitution could be used that was accepted as being legitimate, both in terms of its content and drafting procedure that involved the people and followed the democratic model, and adjusting it as appropriate.

5.6.2 TRCT would like to emphasize the importance of public participation in the process of constitutional amendment. Public participation will help society be confident in the process and committed to the proposed changes. The state must provide the people with full and correct information so that they will be able to understand the issues and the necessity for amending the Constitution. The people need to be able to follow up on whether those changes are genuinely for the common benefit and to express their opinions and participate in making decisions. In regard to building participation, TRCT believe that the state must organize public forums or deliberative dialogues to discuss and argue the relevant points of the Constitution and use their organizational power according to the Constitution to ascertain what the problems are and how they should be rectified. In this way, the people will be informed about all aspects of the proposed changes and will be able to consider the pros and cons as well as any possible effects that may come about as a result before a referendum is organized to ratify the changes. TRCT is confident this procedure can be carried out and that the people will be the genuine owners of their Constitution.

5.6.3 TRCT believes that the state must emphasize strengthening the understanding on the part of the general public regarding the process of drafting and amending the Constitution, the important points in the Constitution, the effect that the Constitution has on the governing of the country, on monitoring the use of authority by agencies according to the Constitution, and on protecting the rights and freedoms of the people according to the Constitution. In addition, the State should instill in the people an awareness that they are the owners of the Constitution and should therefore respect and cherish the Constitution based on a shared understanding that amendments to the Constitution can be made according to the requirements of a changing society by proceeding according to the steps and process stipulated in the Constitution.

5.7 Recommendations Relating to the Monarchy

The conflict situation that has arisen in Thai society is a reflection of the suspicion and opposition on the part of some people to a shift in power. Some groups do not want to lose power or benefits because of political changes and therefore want to maintain the political, economic and social status quo. In doing so, some refer to the Monarchy, an institution which

is at the heart of all people in the nation, in order to gain legitimacy or support from the people for their political agenda of maintaining the existing order. Drawing the Monarchy into the political conflict caused the political problem to spread and escalate to the point where society became completely divided. A misunderstanding arose regarding the Monarchy and this influenced some people to oppose the institution of the Monarchy and to intrude and disagree with the Monarchy. This is extremely dangerous to our nation. Even more, lèse majesté laws were used as a political tool to oust political opponents by accusing them of not being loyal to the Monarchy. Those so accused became resentful and this had a further negative effect on the Monarchy. Regarding this issue, TRCT have the following recommendations.

The Monarchy under the Constitution

5.7.1 TRCT believe that recommendations it has already made relating to the Monarchy have not been followed; especially by politicians, political parties or political groups who still refer to the Monarchy or behave in ways that lead to the Monarchy becoming a political issue. TRCT request that all sectors bear in mind that making references to the Monarchy for political advantage will endanger the Monarchy and impact on the security of our nation. TRCT would like to reiterate its previous recommendation that “. . . during times of political conflict like this, all sides should express their intention to revere the Monarchy as being above political conflict”⁴⁶⁶ and refrain from making references to the Monarchy for political benefit, either directly or indirectly.

5.7.2 TRCT calls on politicians, political parties, and political groups to have earnest discussions together so as to determine a suitable way to proceed in order to safeguard reverence for the Monarchy as being above political conflict, possibly by clearly setting such discussion as a national agenda.

5.7.3 In order for the Thai Monarchy to be held in the highest esteem under the Constitution and within the democratic system, the government should support an exchange of ideas and build a common understanding among members of society of the position and role of the Monarchy in our system of Constitutional Monarchy. The government should promote learning and research relating to the Monarchy and have a forum for people of varying opinions to exchange their opinions in a creative and peaceful manner so as to find a suitable way to revere the Monarchy as above political conflict and be in accord with developments in the democratic system.

⁴⁶⁶ Recommendation 5.6 in 1st TRCT Interim Report

Lèse Majesté Laws⁴⁶⁷

5.7.4 The lèse majesté laws are Article 112 of the Code of Criminal Law, and the Computer-related Offences Act B.E. 2550. In addition to not protecting the Monarchy, the use of these laws as political tools has been an obstacle to building national reconciliation. TRCT has made recommendations on the enforcement of the lèse majesté laws⁴⁶⁸ as well as amendments to the laws⁴⁶⁹ but these recommendations have not yet been considered or implemented. TRCT call on the government and agencies involved to follow the recommendations made. TRCT found that for offences in which a “public figure” is damaged (sustains loss), the Thai legal system does not yet have “offence requiring authorization”. People in the justice system seem to proceed with cases out of fear or servility.

5.7.5 TRCT believes that enforcement of Article 112 of the Code of Criminal Law stipulates a punishment that is not proportional to the offence, limits discretion of courts in determining suitable punishment, lacks clarity in the boundaries and scope of the law, and still provides opportunities for any individual to make accusations and proceed with a case. This renders the law susceptible to being used as a tool to slander opponents in the hope of gaining political benefit or for constraining political enemies. TRCT sincerely hopes that the government and parliament will have the courage to eliminate problems connected with this law by studying the criminal policies of other countries which have a constitutional monarchy and adjusting our laws accordingly. The Monarchy is a very sensitive issue in Thai society and any amendments made by the government or parliament to the law mentioned must be carried out very carefully in order to avoid violent conflict occurring. Any amendment must proceed in a way that allows for the participation of all sectors and the expression of a broad range of opinions so as to find the most suitable way to amend this law.

5.7.6 As the lèse majesté laws have not yet been amended, TRCT requests that people involved in directing state power and agencies in the system of justice proceed very carefully in enforcing these laws during such a time of political conflict. Any violations that involve bad intentions against the Monarchy, which is revered and cherished by the Thai people, should be dealt with strictly but criminal measures should not be enforced in an overly strict way that has no direction and does not take into account the sensitive nature of the case.

⁴⁶⁷ Article 112 of the Criminal Code relating to defamation of the Monarchy (lèse majesté) or expressing malice toward the Monarchy, the Queen, or the Heir-apparent, or toward people who act in place of the Monarchy. This law is commonly referred to as “the Law on Defaming the Institution of the Monarchy” or “the law defaming the Institute”. These offences are usually connected to the Act on Computer Offences B.E. 2550.

⁴⁶⁸ Recommendation 5.6 in the 2nd TRCT Interim Report.

⁴⁶⁹ Referred to in footnote 27, Appendix 8

Also, enforcing these laws using too broad an interpretation of the relevant act should be avoided as this would impact on the rights and freedom of individuals to express honest opinions or constructive criticism as allowed by a system of constitutional monarchy.

5.7.7 TRCT found that in criminal justice proceedings related to *lèse majesté* offences there were many agencies responsible and that they were not all proceeding consistently or in the same direction. TRCT believe that the government must unify these agencies and have them proceed in an integrated manner by establishing a mechanism or organization that sets appropriate criminal policy, is capable of classifying and screening cases of *lèse majesté* by considering the degree of wrong-doing, the intention, the motivation to commit an offence, the status of the individual that committed the offence, the overall context of the situation that brought about the behavior, and the effect that would result from proceeding with the case considering the exalted position of the Monarchy.

5.7.8 The government must promote the use of discretion by agencies in the criminal justice system as well as staff and officials responsible for case proceedings for *lèse majesté* offences. They should proceed correctly and appropriately and should coordinate together. This would help reduce the number of cases that proceed unnecessarily through the justice system. In this regard, TRCT emphasizes the importance of prosecutors using discretion in proceeding with cases. TRCT have previously recommended that “In the prosecution of *lèse majesté* cases, prosecutors have an important role. They must use discretion as to whether to prosecute or not and the way the case should be ordered (Opportunity Principle). This is a universally-recognized power of the prosecutor. Although there might be adequate evidence for ordering prosecution, the prosecutor must weigh the advantages and disadvantages of doing so, taking into account the public interest. In cases of *lèse majesté*, the prosecutor must consider whether ordering a prosecution or not ordering is more beneficial in protecting the dignity of the Monarchy. This is the method used in countries such as the Netherlands.”⁴⁷⁰

5.8 Recommendations Concerning the Media

From work carried out so far TRCT found that the presentation of the news by the media was one of the important factors that encouraged division in society and made the conflict escalate to violence. Presentation of information and use of language that aroused people and encouraged them to hate each other (hate speech) and the presentation of propaganda to mobilize the masses and encourage them to use violence against their opponents created an even

⁴⁷⁰ Recommendation 5.6.4 in 2nd TRCT Interim Report.

wider and deeper division among people in society. The broadcasting of false, slanted or incomplete information created misunderstanding among people. There is now a wider selection of information channels available to the people and TRCT is very concerned about the role and work of the media that lacks ethics and responsibility to society. Regarding this issue, TRCT have the following recommendations.

Recommendations to the media

5.8.1 TRCT has previously recommended that “all forms of mass media must be cautious and act responsibly to ensure that the information they provide to the public is correct. The news provided by government sources must be impartial and equal opportunity should be given to all parties to broadcast news of events. All sides must stop using the media to incite violence, especially community radio, and all must avoid broadcasting and analyzing news events in a way which is challenging and defiant as this will destroy the atmosphere for reconciliation”.⁴⁷¹

From an assessment of the situation, TRCT found that the media was not careful enough in presenting information and played a part in encouraging and expanding the conflict and are still being used as tools for making political demands by broadcasting information aimed at attacking opponents using distorted versions of the truth.

5.8.2 TRCT calls on the media to carry out their duty while considering their responsibilities to society within the framework of ethics and professional conduct. The media must not distort the truth and must broadcast information to the people that is correct, complete, and comprehensive. The media must not present information which creates hatred or incites people to violence or broadcast pictures of violence that leads people to believe that the use of violence is something ordinary and normal in Thai society. The media should consider the impact and suitability of what is presented to society.

5.8.3 TRCT is very concerned about the divisions that have occurred among people in the nation and which have made Thai society become so divided that people are suspicious of what side a person might support or oppose. There is little area for people who are neutral or who are moderates in the conflict. TRCT believes that only a minority of the press are trying to present information or news which is factual and which reflects a comprehensive picture of the variety of views of people in society. TRCT call on the press to increase their role in easing the crisis of conflict in our nation by performing the role of public forum for all sides, especially those that are moderates, in order to reduce the role of extremist groups who aim to incite

⁴⁷¹ Recommendation 5.8 in the 1st TRCT Interim Report.

violence. TRCT request that the press increase their role in urging society to find some creative solution to the various issues by using good judgment and reason instead of just reporting the arguments between the opponents in the conflict.

5.8.4 Professional media organizations must proceed in earnest against violations of professional standards and ensure that personnel in the profession have standards and good conduct. In addition, professional organizations should inform the public about what types of behavior constitute violations of ethical standards and how they can make complaints about wrong behavior. Also, how they can make complaints about the process of investigation and the procedure for making complaints. This will open the door to public checks on the way that media personnel carry out their duty and is also a way to train the public to use more discretion and wisdom with regard to the news.

5.8.5 Press agencies should support the systematic teaching and training of staff by focusing on ideals and professional ethics. They should compile a handbook on reporting news in conflict situations and provide training in the work of the mass media during situations of armed conflict and on things to consider when reporting on sensitive issues which require accuracy and a broad perspective. Training also needs to be provided on rules for field reporters in areas of violence, rules for identifying oneself as a member of the press, and symbols used to identify the mass media. Safety equipment needs to be provided for those in the field as well as mental preparation before carrying out duties. Press agencies and mass media personnel should help society understand the role of the media and know how to protect members of the press who are carrying out duties in areas of violence.

Recommendations to the State

5.8.6 The state should rehabilitate and aid members of the press that worked in a field which involved a risk to their life and safety. There should be both mental and physical rehabilitation, especially for those journalists who were injured or the families of journalists who lost their lives in incidents. These people should receive benefits, restoration, and honor; both from the organization for whom they worked, professional organizations, the state, and society in general.

5.8.7 The Constitution prohibits the closure of a newspaper or other public media channel if such closure deprives them of their freedom of expression according to the Constitution.⁴⁷² Therefore, the state must not close media agencies or gain influence over the media in any way, or use other measures to achieve control over the media. Using the law to prohibit presentation

⁴⁷² Article 45, Constitution of the Kingdom of Thailand B.E. 2550.

of any news must be with a legitimate intention and must not involve measures that are contrary to the Constitution. In controlling and directing the content of the news to be presented criteria must be met and procedures must be fair, transparent, non-discriminatory, and allow opportunities for the media affected to dispute the actions.

5.8.8 In cases of absolute necessity because of safety issues or peace-keeping activities that cannot be avoided, especially in situations of armed conflict, the state may establish a controlled area where the press are not allowed to enter because the peace-keeping activities may obstruct the work of the media. However, in establishing such controlled areas the state must consider transparency and must report to the public on the activities of state forces in a straight-forward and timely fashion.

5.8.9 The state must support the development of effective self-imposed control mechanisms that accord with the professional ethics of media personnel and the Constitution. This could include supporting the establishment of an independent organization which is responsible for protecting the rights and freedoms of the press according to ethical standards and under the control of a media professional council. Council members, chosen by media personnel themselves, could set ethical standards and procedures for control and monitoring. This would allow the media to exercise their freedom in an independent fashion, under their own control according to professional standards and without interference.

5.8.10 The state must support protection measures against interference and threats to the work of the media, whether from political groups, influential groups or shareholders so that the media can present news in a truly independent fashion. The state must solve problems associated with the ownership structure of media agencies to protect against media domination and should make a law protecting personnel in media activities so that they are independent in presenting news and opinions as allowed for in the Constitution. One method would be to strictly divide investors, executives, and editorial departments so the editorial departments can exercise their freedom under standards of professional conduct and not have to follow the commands of executives or owners.

5.8.11 The state must enforce the parts of the Constitution of the Kingdom of Thailand related to freedom of the press, especially the provision that prohibits those currently holding political office from owning a media business or holding shares in media enterprises, whether in their own name or through a proxy owner, whether directly or indirectly, because this involves a conflict of interest and may lead to the politician's removal from office.⁴⁷³

⁴⁷³ Article 48, Article 265(4), and Article 270 of the constitution of the Kingdom of Thailand B.E. 2550.

5.8.12 The state should promote knowledge among the public regarding the role of the media and its duties and responsibilities to society and the public by requiring educational institutions and the Ministry of Education to organize lessons or courses that teach the public how to keep up with the news and how to be citizens that monitor the media rather than just be consumers of news. Also, in the long term, the government must promote the establishment of a news consumer protection association that protects the public, in their role as news consumers, and functions as another monitoring mechanism on the activities of the media.

5.8.13 The state must find a channel through which the public can communicate and exchange opinions and the media must play an important role in enabling the public to air their opinions and thereby reduce the gap between the groups in the conflict and build common understanding.

5.9 Recommendations Concerning the Military

5.9.1 Interference in politics by the military, especially through coup d'états, has made Thai society ignorant of ways to manage political crises according to the ways of the democratic system. Also, those who believe that their own sovereign power, rights and benefits are threatened by coups feel dissatisfied that governments elected by the people according to the democratic system are overthrown. This gives rise to a complicated web of political conflict that spreads and increases. Therefore, TRCT calls on the army and its commanders to be impartial and not lead the army into involvement in politics. The army must strictly refrain from staging coup d'états or interfering in politics in any way such as by applying pressure to influence government policy, threatening to use force, or taking over power. Further, society and political groups must not call on, or promote, the army's involvement in politics. All sides must hold to the principle that the army is under the control of the elected government (civilian control). The state and the army must develop professional soldiers who are knowledgeable and capable of protecting the country, instilling in them a sense of democratic ideals, transparency, and accountability according to the principles of good governance. In addition, the government should consider setting up an Army Inspector or Defense Inspector of the Cabinet (ombudsman) who has authority to independently inspect the work of the army.

5.9.2 Using military force to solve the problem of internal conflict within the country usually leads to violence. TRCT believes that the government must refrain from using military force under any circumstances to solve problems of political conflict and demonstrations by the people. The military has a way of thinking, a philosophy, an authority, an organization, practices, training and command structure that is appropriate to protecting the country from external

threats but which is not appropriate for solving conflicts inside the country or for controlling crowds.

5.9.3 The government must improve its system of control and regulation of military weapons and small arms to be more effective in order to protect against small arms disappearing from the armories and ending up in the hands of forces of various groups. The government must also protect against these weapons being used to instigate violence. In addition, the state must use measures to limit the problem of illegal weapons and sale of weapons. It must implement measures to reduce the possession of weapons by the public or criminal organizations, both through suppression and through positive measures such as purchasing and destroying illegal weapons and granting amnesty to those who possess illegal weapons but who surrender them to the state.

5.9.4 The army must have strict and effective protection measures and rules against the behavior of soldiers who are “out of line” (do not follow their orders or disciplinary rules) and who have a role in the activities of political parties, influential groups, or who gain benefit from questionable or illegal business activities. This erodes the honor and dignity of the military and may lead to division within the army itself. TRCT views that the state should modify the Soldier Discipline Act B.E. 2476 so that it allows for disciplinary punishment of army staff of all ranks and levels, including generals.

5.10 Recommendations Concerning Demonstrations and Human Rights

During the time of nation-wide conflict there were rallies and demonstrations demanding rights and pressuring for change. People in these demonstrations were exercising their freedom to make political protests but they did not proceed peacefully; there was use of weapons, incitement of anger and hatred, and the use of violence. Also, the state used soldiers to suppress some behavior and maintain peace but the use of force was excessive. Soldiers also played a role in dispersing protestors which resulted in injuries and losses. Regarding this issue, TRCT presents the following recommendations.

5.10.1 The freedom to assemble is one of the basic freedoms in the democratic system. It is a political right which must be accepted and protected by the state. However, there are limits to what protestors can do (non-absolute right). They must proceed according to articles of the Constitution⁴⁷⁴ which sets conditions for demonstrations including that they

⁴⁷⁴ Article 63 of the Constitution of the Kingdom of Thailand B.E. 2550.

be peaceful and not involve the use weapons.⁴⁷⁵ TRCT calls on the leaders and participants in demonstrations to exercise their freedom strictly within the framework of the law which requires that demonstrations be peaceful, orderly, and free from the use of weapons or other objects that can be used as weapons. Protestors must consider the rights and freedoms of other people not involved in the demonstrations⁴⁷⁶ and must cooperate with, and facilitate the work of personnel from humanitarian agencies and public utilities such as medical units, emergency relief units, and local administration agencies responsible for taking care of the demonstration. Demonstrators should also facilitate the use by the public of public areas and the enforcement of laws as well as facilitate the press and humanitarian agencies in carrying out their duties without hindrance.

5.10.2 TRCT believes that the leaders of the demonstrations must be responsible and build an understanding among the protestors about how to exercise their right to assemble within the framework of the law. TRCT also calls on leaders and protestors to adhere to peaceful assembly and to strictly avoid any use of violence, to refrain from conduct or words that incite the public or the protestors to hatred or to violence or create fear for the safety of their life or property. This includes behavior that challenges and insults officials who are performing their duties in the area of the demonstration or provoking them to react violently and then using this response to encourage an escalation to even further violence so that this behavior can then be used to level a political attack claiming that whatever group first used force is the loser. TRCT believes that the leaders of the demonstrations must express responsibility for the incidents in which exercising the right to freedom of assembly involved violations of the law and use of violence.

5.10.3 TRCT is well-aware that exercising the freedom to assemble, especially for long-lasting political demonstrations, affects the public that are not involved. TRCT requests that the public understand that peaceful demonstrations without weapons is a basic freedom to reflect distress and make demands on the government. This is the nature of demonstrations. The protestors are calling for attention from the press and from society so there are speeches and rallies in important places. TRCT ask the public that are not involved in the demonstration

⁴⁷⁵ Peaceful demonstrations are without weapons, have peaceful and non-violent intentions and behavior, and do not incite or promote the use of either physical or psychological violence. They do not disturb the peace, order or safety of the public or cause other people to be afraid for their lives, safety, or property. Non-peaceful behavior of some private individuals that enter a demonstration does not make the whole demonstration non-peaceful unless the protesters in the demonstration or leaders of the protesters show that they accept such behavior, or do not oppose it, or do not immediately prohibit people who use violence or carry weapons from entering the demonstration, or do not make a suitable effort to prevent, oppose, restrain, solve or avoid such incidents from occurring.

⁴⁷⁶ Article 28 of the Constitution of the Kingdom of Thailand B.E. 2550.

to be patient and tolerant with protestors exercising their right to assemble and to avoid confronting the protestors and showing dissatisfaction or opposition to the exercise of their freedom and squabbling or fighting with them. This may result in an escalation in incidents of unrest. TRCT asks that the public keep in mind that during a time when the country is facing such conflict, Thai society must come together and build a social culture of tolerance in which individuals who have different views and opinions can live together peacefully by respecting each other's rights and freedoms.

5.10.4 The state must affirm and guarantee the people's freedom to peaceful, unarmed assembly by not only refraining from obstructing or interfering in the exercise of that freedom but also by protecting the safety of protestors from harassment, interference or injury by third parties who oppose the peaceful demonstration. This includes managing the demonstration area by directing traffic and assisting and facilitating members of the public that are not involved in the demonstration.

5.10.5 Limitations to the right and freedom to assemble and demonstrate must be in accordance with the Constitution of the Kingdom of Thailand⁴⁷⁷ and correspond to universal principles of human rights such as the International Covenant on Civil and Political Rights 1969 which stipulates that actions must be equitable, non-discriminatory, not in conflict with the principle of proportionality, and for the benefit of society as a whole while considering the balance between guaranteeing the right to protest with protecting the rights and freedoms of people not participating in the protest.

5.10.6 TRCT is concerned about the application of security laws in ordering and controlling demonstrations. These laws include the Martial Law Act B.E. 2457, Emergency Decree on Administration of the Civil Service in Emergency Situations B.E. 2548, and the Internal Security of the Kingdom Act B.E. 2551. The intention of these laws is to maintain national security, especially during times of violent incidents or acts of terrorism which are directed toward destroying democracy in times when protestors are calling for their rights or for justice. In addition, the Emergency Decree on Administration of the Civil Service in Emergency Situations B.E. 2548 stipulates that officials do not have to accept civil, criminal or disciplinary responsibility because

⁴⁷⁷ Limiting the freedom to demonstrate can only be carried out based on articles of law specific to public demonstrations and to protect the convenience of the public in using public places or in maintaining peace and order during a time of war or during a period covered by announcements of a state of emergency or martial law (Article 63, paragraph 2, Constitution of the Kingdom of Thailand B.E. 2550). Limiting the freedoms of people must be done only to the extent necessary and must not affect the important essentials of those rights and freedoms (Article 29, Constitution of the Kingdom of Thailand B.E. 2550)

they are only carrying out their duty in preventing illegal acts.⁴⁷⁸ Even though there are conditions that actions taken must be honest, non-discriminatory, and in proportion to the incident or not in excess of what the situation demands; when applied to controlling situations of unrest resulting from political demonstrations they can influence personnel to choose violent methods against the protestors because interpretation of the phrases “in proportion” and “what the situation demands” is not clear. TRCT therefore request that the government exercise extreme caution in applying this law to manage situations of unrest that result from political demonstrations because it will impact on important rights and freedoms of the people, may not correspond to the principle of proportionality or appropriateness to the situation, and may result in losses to the public and society in general.

5.10.7 TRCT believes that the government must not order soldiers, who have been trained to fight against enemies of the country, to take a role in controlling crowds or ending demonstrations of the people who are exercising citizen’s rights and freedoms to express their demands to the government or society. Having soldiers perform this duty creates an overall picture of violence and may cause the situation to escalate and lead to violations of human rights and great losses such as has occurred in violent crises in the past when soldiers dispersed protests by the people. TRCT believes that that the government should set controlling demonstrations as a duty for the police or a civilian agency that has a line of command, duties for which they are responsible, and clear steps that need to be followed. Personnel of this agency must be specifically trained in crowd control and receive on-going training in carrying out their duties which may involve pressure and retaliation from the protesters, both physical and psychological.

5.10.8 In the event that individuals carrying weapons conceal themselves among protestors in order to carry out acts of violence, the state must proceed with measures employing special units that have been specifically trained to separate out their targets accurately and take action. Action needs to be taken with necessary and suitable force to protect against danger that is clearly apparent or is approaching and to suppress that danger while respecting the rights, life, and safety of the officials, protestors, protest leaders, and the people not involved in the demonstration. After assessing the situation, if it is decided that their actions will endanger people, they must desist from such actions immediately.

⁴⁷⁸ Article 17 of the Emergency Decree B.E. 2548 (2005).

5.10.9 The government must prepare suitable equipment that is safe, of good quality, and sufficient for the purpose of stopping demonstrations. The state must train police or others responsible for controlling crowds to carry out their duty strictly according to universal principles and to have skill and expertise in doing so. Demonstrations are not to be dispersed using violent measures not proportional to the violence of the incident or not according to the steps employed in using force - starting from light force and progressing to heavier force. Weapons used should not be life-threatening in order to reduce losses and injuries. Also, suitable measures need to be in place for children, youth, women or the elderly that are in the group of protestors.

5.10.10 The government should create a plan for dispersing demonstrations and non-violent measures for crowd control. Personnel should be trained to know about human rights and the non-violent management of conflict. Such training could include training in the psychology of controlling demonstrations and skills training in negotiating. In addition, the government must train officials to understand their role in assisting medical and public health personnel and the media who are carrying out their duties in the area of the demonstration. Also, there needs to be assessment before and after performing duties of the physical and mental preparedness of personnel to ensure they have the necessary skills to control demonstrations. Personnel who confront or squabble and fight with protestors should not pass the assessment and should be given further training and preparation before commencing duty again.

5.10.11 State agencies and personnel that carry out crowd control or are in areas where demonstrations are occurring must be patient and tolerant toward taunts and incitements to violence from protestors. They must proceed in ways that correspond to universal principles and respect the rights and freedoms of the people according to the Constitution. The government must accept responsibility for situations in which undue force is used or in which there have been violations of universal principles in controlling crowds or dispersing demonstrations. The incidents must be investigated and restoration and rehabilitation provided, and justice facilitated for the victims and those affected. Those who were responsible must be dealt with by the system of justice and brought to court. In addition, the government and commanders of the personnel controlling the situation must accept responsibility and apologize for the losses and use of excessive force.

5.10.12 The state should promote the creation of benchmarks for non-violent demonstrations and political movements. This could start from organizing public forums to listen to opinions and making agreements which could become the benchmarks of society. These could be used to set rules, regulations or laws for controlling demonstrations in the future. The goal of such regulations is to protect against loss that might arise from the use of force and

against violations of the rights and freedoms of the people who were not involved in the demonstration while not depriving people of their right to peaceful assembly.

5.10.13 TRCT believes that setting agreements or laws relating to public assembly may limit the people's freedom to assemble. Procedures establishing such laws must be done strictly in accordance with the Constitution and universal principles of human rights by having the people participate in the process. In addition, the state must take into account the type and characteristics of the assembly as public assemblies in normal times; such as those connected with economic hardship, social issues, or labor are different from assemblies intended to make political demands which tend to have large numbers of people assembling during abnormal conditions and involving conflict. The government must therefore be very careful not to destroy the opportunity for the people to express their dissatisfaction and their desires to the government and to society. In this regard, the government should study examples of such laws in other countries to help in adjusting ours to be more appropriate. One such example is England, which has laws that set criteria and details for public assembly and rallies (Public Order Act 1986).

5.11 Recommendations Concerning the Role and Protection of Medical Units, Nurses, and Disaster Relief Units that Provide Humanitarian Assistance in Conflict Situations

Being prepared and providing medical assistance is essential in times of unrest. From the incidents of violence that occurred in our country, TRCT found that medical units, nurses, and disaster relief units did not receive the protection that they should have. They were threatened and intimidated and medical facilities were intruded upon which directly affected the treatment and care of patients. Further, there is still the issue of lack of confidence and distrust regarding refusals to provide medical assistance during the political crisis. TRCT has the following recommendations.

5.11.1 TRCT calls on all parties to protect and facilitate the activities of medical personnel, medical units, nurses, medical vehicles, disaster relief units and medical volunteers who are carrying out their duties in violent situations. Further, all parties are called on to respect the emblem of the red cross which is the distinctive emblem of medical or humanitarian assistance and not to misuse this emblem, whether because one is not authorized to do so or because one is trying to deceive people. In addition, TRCT calls on the government to strictly enforce the relevant laws regarding misuse of the red cross symbol so as to protect and insure the confidence and trust that people have in the activities of medical personnel and to insure the safety of medical and nursing personnel so that they can carry out their duties efficiently during incidents of violence.

5.11.2 TRCT holds that providing medical and public health assistance as well as emergency relief during incidents of violence is based on the universal principles of impartial humanitarian assistance to all. Staff who provide such assistance are independent of the conflicting parties and carry out their duties strictly according to the code of conduct and ethics of medical practitioners with respect for humanitarian principles and for the maximum benefit of those who need assistance. The government should promote training of medical and public health personnel to prepare them to provide assistance in times of violent incidents or emergency situations.

5.11.3 The state should keep medical personnel, nurses, and emergency relief units up-to-date on the activities of state personnel responsible for controlling violent incidents or dispersing demonstrations so that losses that might result can be reduced. The state must coordinate so that medical units, nurses, and disaster relief units can be prepared and can make plans to provide assistance quickly and efficiently. The state must facilitate and protect their safety when they are providing assistance to and transporting the injured. All parties involved in providing medical assistance should meet to discuss and agree what symbol will be used when providing medical assistance during incidents of violence, what rules or conventions will be followed, what preparations are needed, and how activities will be coordinated. In addition, personnel that will provide assistance in the area of the conflict should be clearly identifiable as the different groups might be suspicious and distrustful of each other.

5.11.4 The government should provide benefits, restoration and rehabilitation to personnel in medical units, nurses, and emergency relief units, both professional personnel and volunteers, after they have been injured in the course of carrying out their duties. Restorative assistance should be provided to the families of personnel killed in the course of carrying out their duties. They should be honored for their sacrifice.

5.11.5 The government should promote the role of military medical officers⁴⁷⁹ and clearly establish their role so that they can carry out their duties impartially and with the trust of all parties. In incidents of violence, military medical officers are able to coordinate directly with soldiers. The state must inform the public about the role of military medical officers so that they can obtain cooperation from all parties.

5.11.6 The government should create an understanding among the people of the role

⁴⁷⁹ Units that must provide medical services to soldiers. They are in close proximity to the soldiers when they are being trained or enter field duty.

and duty of medical units, nurses, and disaster relief teams; medical services provided during emergencies; indentifying symbols of medical teams; and the symbol and role of the Red Cross. It is particularly important to build an understanding of, and confidence in, the impartiality or neutrality of doctors as well as instill a widely-held view that to harm medical units or use them as tools to create conflict is unacceptable.

5.11.7 The government should promote training of police that are responsible for controlling crowds and managing violent incidents so that they understand universal standards used in protecting medical personnel, medical units, nurses, medical vehicles, and disaster relief units. Training should include ways and measures to facilitate medical assistance. In addition, the state should arrange for a team to protect medical units, nurses, and disaster relief units that are performing their duty in high-risk sites.

5.12 Recommendations Concerning Religion

5.12.1 The conflict and violence that have occurred in Thai society is a reflection of the lack of morality and ethics, the foundation principles for living together in a peaceful society, especially among politicians or those holding political office. Unethical issues have become mixed up with the legitimate running of the country by the government. TRCT calls on the government and all sectors to give importance to reviving morality and ethics so as to create a society in Thailand that is peaceful and promotes peaceful methods. The government should promote the role of religion in reducing conflict and stopping violence as well as “restoring the hearts” of those affected by showing a way of thinking and a way of practice that is in accord with a democratic society. To be mindful not to let conflict deteriorate into violence and to create views that are conducive to peace through such things as respecting and accepting differences, forgiving, and being tolerant and kind towards those who are different from oneself.

5.12.2 TRCT believes that people of all religions should increase their role in reducing division and the use of violence by people in our society. Religions should promote peace and the resolution of conflict through peaceful means. TRCT believe that religions should maintain and express a position of impartiality in religious discourses or in teachings of ethics. They should refrain from becoming involved in calls for political demonstrations because showing that they are on one or other political side during a period of social division may have a negative impact on the role of religion to reduce political conflict and on people’s faith in religion.

5.13 Recommendations Concerning the Distribution of the Final Report

The process of reconciliation is a matter relevant to all Thai people throughout the country and depends on the participation of all sectors of society. TRCT calls on the government and the media to present and distribute the TRCT Final Report as a disclosure of the facts about the conflict and violent incidents that have occurred as well as the root causes of the incidents. The report contains recommendations on how to bring about reconciliation for people in all strata of society by creating a correct understanding of the incidents and of the conflict that has arisen and to know how to solve the problem. TRCT sees this understanding as an important element in reducing the feelings of hatred and anger which have accompanied the social division and can lead us to accept opposing views, be willing to listen, and to forgive. Such an understanding will also help to create an atmosphere which is conducive to Thai society finding a way to solve the conflict and eventually bring reconciliation to our country. TRCT believes that every society must go through periods of important social change. If Thai society can use the opportunity presented by this period of social change to build an understanding of the important and fundamental problems, and find a way to solve the problems together, this will not only enable Thai society to overcome the current conflict but will also make our society strong and enduring.



5.14 Implementing TRCT Recommendations

Recommendation	Urgent	Short-term	Long-term
Building an Enduring Reconciliation	The state and all parties should implement TRCT recommendations in a tangible and earnest manner giving consideration to the mutual benefit of all concerned parties and not choose to implement just those recommendations that benefit their own group.	The state must create a venue or channel for the people to communicate together and exchange opinions. Possible options might be public forums, a social network or public discussions.	The government promotes learning and understanding of the root causes of the conflict so as to find a way to come together to solve the basic problems as well as the problems inherent in our social structure.
	All parties must refrain from any action that would create conflict or destroy the atmosphere for reconciliation. This includes refraining from disseminating information that would incite hatred and violence.	All parties must be broad-minded and be able to listen to different opinions and respect each other's rights and freedoms. They must be able to compromise and reach agreements together as well as reduce the tendency to try to be the winner and look at problems just from their own point of view.	All parties focus on genuinely supporting the rule of law. The government and its agencies follow the rule of law in governing the country so as to solve the problem of conflict and build an enduring reconciliation for the country.
	All parties should not take facts that are disclosed by TRCT and elaborate on them in a way that would end in conflict or create arguments. Politicians must not use the political arena or political issues to incite hatred and division among the people.		

Recommendation	Urgent	Short-term	Long-term
	The state promotes the establishment of an impartial mechanism to support on-going and efficient reconciliation.		
Employing a Modified Form of Transitional Justice	The state arranges for offenders to be dealt with by the system of justice which must be fair, unbiased, and consistent in its application of the law. Agencies in the system of justice must respect the rights and freedoms of accused persons, defendants, and the injured. The state should study the principles of transitional justice and consensus-based justice and apply modified forms of them in conjunction with normal criminal justice procedures. The state should provide restoration to those unfairly dealt with in criminal proceedings and provide all necessary humanitarian assistance to them. All parties	The state provides restoration in a systematic and organized manner. It covers the various forms of damage in ways not limited to financial restitution. The state produces a record of events or builds a memorial to remind people about the violence that occurred, about the victims of the violence, and the injuries and damage that resulted from it. The state should help the people understand and appreciate the benefits of amnesty and forgiveness.	The utmost caution must be exercised in the passing of any amnesty law. Offences covered and conditions of the amnesty must be clearly established and detailing the specific actions by various people that would be covered under such amnesty. Further, all parties should be able to participate in making such decisions. The state should consider modifying existing laws to allow Thai courts to consider a case in the absence of the accused by establishing conditions which are strict and clear. And to consider modifying or repealing unjust laws.

Recommendation	Urgent	Short-term	Long-term
	should review their role and actions in the conflict that occurred and leaders of all involved parties should apologize to the public. This is particularly true for government leaders as the state was at fault in managing the conflict and allowed it to escalate into violence. They should also express their intention not to allow such violence to occur again. The state should not rush to apologize but should consider what is appropriate in terms of timing, situation, and method. The state should also help the people understand the truth about the violence that occurred and the causes for the conflict.		The state should consider the Rome Declaration on Constitutions by the International Criminal Court.
System of Justice and the Rule of Law	The state must promote a system of justice that is consistent in its application of the law, is impartial, and free from political influence. In addition, forensic science must be employed to obtain evidence	The state and the system of justice should lead society in choosing non-violent ways to manage conflict. These institutions should be careful not to become those which destroy the rule of law and	All parties must see the importance of establishing their role as one according to the rule of law and the democratic system.

Recommendation	Urgent	Short-term	Long-term
	which is objective, impartial, and complete. The state must follow the Basic Standards for Treatment of Accused Persons and Defendants in Criminal Cases and take into account the basic rights of these people. The state must investigate excessively strong accusations against groups making political demands. The judiciary must take great care to exercise their authority in an appropriate manner, within the framework of the law and in accordance with the rule of law, so that the exercise of their sovereign power is balanced.	neglect the rights of the people. The state should build confidence that agencies of the system of justice are performing their duties in an independent fashion, are impartial, and are not being manipulated by other agencies. The law must remain impartial by strictly following legal principles. The state must promote the building of mutual understanding about the rule of law. It must also support research into ways to maintain the rule of law in Thailand.	The state must provide opportunities for the people to access and distribute information about laws and draft laws. The people must be able to obtain broad and comprehensive information about laws. The state must reform the law and the system of justice to make it more systematic and efficient. This needs to be done in a manner which is transparent, allowing for accountability, and corresponding to the rule of law.

Recommendation	Urgent	Short-term	Long-term
Democracy, Good Governance, Respect for Human Rights	The state builds understanding among the people regarding the democratic system which may be understood differently by different people. Political groups, the military and the public must be committed to the democratic system. The problem of conflict must be solved peacefully using accepted methods within the system of democracy and by avoiding, not supporting, coup de'tats. The state must protect freedom of speech within the framework of the law. This includes not allowing individuals to be imprisoned for exercising their right to freedom of speech. The state must not use the law as a political tool to restrict access to information or an individual's right to express their opinions.	The state builds understanding of the basic principles of the democratic system, rights and freedoms enshrined in the constitution, and obligations between countries relating to the human rights of the people. The state promotes transparent and independent investigation of wrong-doing using mechanisms that are impartial and open to the public. The state must safeguard and guarantee the basic human rights and freedoms of the people including protection against violations against those rights. The state must create mechanisms for investigating judicial delays and making the application of the authority of state organizations more efficient.	The state applies the principles of good governance in running of the country. The state promotes democratic values in the family, educational institutions, and social organizations. The state promotes education in non-violent resolution of conflict. The state must operate in accordance with its international obligations which include safeguarding the human rights and freedoms of the people. The state should consider modifying or abandoning laws which unnecessarily impact on the rights and freedoms of the people including laws that conflict with the principles of human rights.

Recommendation	Urgent	Short-term	Long-term
Solving the Basic Problems of Thai Society	The state should adjust its paradigm and ways of work by stressing involvement of the public, civil society, and communities in state activities. State agencies need to adjust their attitude and provide more efficient service and equal treatment to members of the public.	Political groups should promote political parties that have a policy of social reform that stresses equality of the people and consider the benefit to the nation as a whole as their fundamental principle. The state should study the recent rise of various “public” political groups, their structure, and the development of links between them so that an appropriate way can be set for these groups to develop.	The state should initiate changes to the existing power structure to expedite development which is equal to that of the government sector. The state should reduce the role of centralized administration. It should decentralize authority to the communities and people. The state should reduce inequality of various forms, build a fair society, improve the quality of life of the people, develop quality education, and create mechanisms for equal access to justice.
Amending the Constitution	The state must not make any hurried amendments to the Constitution. The state must see the importance of involving the public in any amendments to the constitution.	The state builds understanding among the people about the Constitution, the system of justice and Constitutional amendments through public forums or discussion networks so that the public can consider the advantages and disadvantages	Any amendments to the Constitution in the future must be in accordance with the rule of law and the principle that the constitution is the highest law of the land. Amendments must be correct in principle and constitutional procedure.

Recommendation	Urgent	Short-term	Long-term
		that may result. The state should let the public know that it is the people's constitution.	Changes can be made to the existing constitution that are accepted as legitimate according to the democratic method.
The Institution of the Monarchy under the Constitution	All parties stop referring to the Monarchy for the purpose of obtaining political benefit and venerate the institution as being above political wrangling.	The political sector should establish a method for ensuring that the Monarchy is held above political conflict. Such method should be in accordance with the development of our system of democracy.	The state should support learning and understanding about the Monarchy and the role of the Monarchy in the democratic system. Also, promote creative and peaceful forums for the exchange of opinions.

Recommendation	Urgent	Short-term	Long-term
Laws Relating to Defamation of the Monarchy (Lèse Majesté Laws)	The agencies of the system of justice should avoid enforcing laws relating to defamation of the Monarchy using too broad an interpretation. Further, that they do not use criminal prosecution in an overly strict way, lacking direction, and not taking into account the sensitive nature of these cases. The state should promote the use of discretion by agencies in the system of justice involved in proceedings connected with cases of defamation of the Monarchy so that cases progress in a way appropriate to the nature of the offence.	The state should organize a procedural system which involves the participation of various groups or enables a variety of opinions so that a way can be found which is suitable to the modification of Lèse Majesté laws.	The state should adjust the current Lèse Majesté laws by first studying the criminal policies of other countries that have a monarchy so as to find a way to make the necessary changes. The agencies that enforce the Lèse Majesté laws should be integrated and carry out proceedings as a unit so that they can classify and screen relevant cases.

Recommendation	Urgent	Short-term	Long-term
The Role of the Media	The media must stop presenting news that aggravates or encourages hatred. The media must be careful in presenting information and must be accountable to the people by presenting news to the public that is factual, complete, and circumspect according to the ethical framework of their profession. The state must support mechanisms that safeguard against interference in and intimidation of the media. It also must not use closure of media offices or any type of influence over the media or any other measures that impact on the freedom of the press. The state must strictly enforce articles of the Constitution of the Kingdom of Thailand, especially those articles that prohibit holders of political office from owning or being a shareholder in media companies as this involves a conflict of interest.	The media should play a role in mitigating conflict within the country by being a forum for the public to exchange opinions. Professional media organizations perform the duty of investigating and taking action against professional wrong-doing. The state should inform the public about the rights, freedoms, and roles of the media and also about the media's responsibilities toward society and the people.	Media organizations should provide systematic training to their staff and stress professional ethics. They should create a manual or handbook on reporting on conflict situations and should develop guidelines for field reporters to follow when reporting news. The state must support the development of mechanisms for professional self-monitoring by the media. The state should make a law to protect the freedom of the media.

Recommendation	Urgent	Short-term	Long-term
The Role of the Military	The military and military leaders must be neutral and not become involved in politics, not carry out coup de'tats, and not interfere in politics in any way. Social groups or political groups must not call on or support military intervention in politics. The government must refrain from using the military to solve problems connected with political conflict or public demonstrations.	The state must improve the system of controlling military weapons and make it more efficient. Also it must implement stringent measures to eliminate the problem of illegal weapons.	All parties must hold to the principle that security agencies are under the control of the government (civilian control) which derives its authority from the people. The state and the army must build a professional military and foster strict adherence to the democratic system, transparency, and accountability according to the principles of good governance. The state should consider appointing a military inspector or defence inspector of the cabinet. The military should have strict measures in place to discipline the behavior of soldiers who are out of line. The state should also amend the regulation on soldier discipline B.E. 2476 detailing punishment for soldiers at all levels.

Recommendation	Urgent	Short-term	Long-term
Demonstrations and the Rights of Protesters	Protesters must exercise their right to assembly in strict accordance with the framework of the law and must refrain from inciting hatred and violence. They must take into consideration the rights and freedoms of the public and other people that did not join in the demonstration. People who do not join in the demonstration must be patient with demonstrations that are conducted according to law. The state must guarantee freedom to demonstrate peacefully without weapons and ensure the safety of the protesters and the convenience of the public that have not joined the demonstration. Officials that must control public gatherings must proceed according to recognized international principles and respect the rights and freedoms of the people.	The state should promote the creation of benchmarks for non-violent assemblies or demonstrations and political movements. The state should exercise caution in applying security laws in managing unrest resulting from political demonstrations. The state should develop a strategic action plan for handling demonstrations and non-violent measures for controlling crowds.	If it is necessary to limit freedom of assembly, such as through laws concerning public assembly, these measures must be according to the constitution and in accordance with international human rights. A study of how other countries handle this issue and adjusting our procedures may lead to a suitable solution. The state should train personnel responsible for controlling crowds according to international conventions and teach them about human rights and non-violent conflict management.

Recommendation	Urgent	Short-term	Long-term
Protecting Doctors, Nurses, and Emergency Medical Personnel	The government must prepare sufficient good quality equipment to manage demonstrations.		
	All parties must protect and assist doctors, nurses, emergency medical personnel during situations of unrest. All parties must respect the symbol of the Red Cross and not use this symbol in incorrect ways. There should be coordination and discussion between all parties so that all agree that if a situation of unrest occurs what symbols will be used, what has been agreed about the use of these symbols, and how will such activities be coordinated. The state should organize personnel to protect doctors, nurses, and emergency medical personnel that are working in areas where there is risk.	The state must enforce laws covering the incorrect use of the Red Cross symbol. Providing medical and public health assistance must be based on international principles of humanitarian assistance, be impartial and provided to all in accordance with the professional ethics of doctors and with respect to the principles of human rights. The state must build confidence in the impartiality of doctors and encourage all to understand that causing harm to doctors is not acceptable.	The state promotes training for medical and public health personnel that will provide medical assistance during times of unrest. The state should train police and crowd-control officials so that they understand the issue of protecting doctors, nurses, and emergency medical personnel including facilitating the provision of medical assistance. The state should provide social benefits, restoration, and rehabilitation to medical personnel, nurses, and emergency medical personnel after they have carried out their duties. The state should promote the role of military medical staff and establish clearly the role of such staff.

Recommendation	Urgent	Short-term	Long-term
Religion	All parties should give importance to restoring the principles of morality and proper behavior as well as support the role of religion in reducing conflict and stopping violence.	Religious groups and individuals should increase their role in reducing division, promoting peace, and solving social conflict in a peaceful manner. The institution of religion should maintain impartiality and express its impartiality when delivering religious sermons or teaching about proper conduct. It should also refrain from involvement in demonstrations by political groups making demands.	
Distribution of the Final Report	The state and mass media should present and disseminate the Final Report of TRCT to the public so that it becomes widely known.		

Final Report of Truth for Reconciliation
Commission of Thailand (TRCT)
July 2010 – July 2012

**EXECUTIVE
Summary**

PART 1 • Basic Information about the Commission

1.1 Establishment and Authority of TRCT

Following the unrest and violence that occurred in Thailand, particularly during April and May 2010, which led to such great losses to our nation, people still have doubts about the reasons for the unrest and the truth about what actually occurred. To answer these questions there must be an investigation into the incidents to determine the truth about what happened and to identify the root causes of the conflict and the violence. The goals of TRCT are to create a common understanding, recommend appropriate restoration, and help prevent division and violence from occurring again. To achieve these goals we must focus on measures based on harmony and consensus, social justice, and restoration for victims and those who sustained losses. TRCT believe that in this way we will be able to help heal our social wounds, create a culture of peaceful co-existence and acceptance of different opinions and promote future reconciliation in our nation.

On 8th June, 2010, the Cabinet agreed to establish an independent Truth for Reconciliation Commission. Professor Dr. Kanit Nanakorn was appointed to act as chairman of the Commission and to find commissioners who had relevant knowledge, expertise, and experience to aid in the proceedings of the Commission. Later, the Cabinet passed the Regulation of the Office of the Prime Minister on the Truth for National Reconciliation B.E. 2553 formally establishing the Commission which was comprised of suitably qualified individuals who were independent and politically impartial. The commission was allocated a period of two years to complete their investigation and were entrusted with the following mandate:

- Investigate and determine the truth about the violent events that have occurred, especially during April and May 2010, and determine the underlying causes of the conflict and violence in the country.
- Provide recommendations on both short and long-term restoration to individuals, groups, organizations, and institutions that were affected by the violence; based on restorative and social justice; in order to support national reconciliation.
- Set measures to reduce social conflict and prevent future violence and loss from occurring.

In addition, the Regulation of the Office of the Prime Minister referred to above required that TRCT produce interim reports every six months summarizing the Commission's activities and recommendations. These reports were to be presented to both the Cabinet and to the public.

1.2 Conceptual Framework Applied in TRCT Operation

1.2.1 To be independent and impartial by stressing investigation and truth-seeking and by presenting unbiased findings. Also, not to be drawn into arguments with people involved in the matter being investigated.

1.2.2 To listen to all opinions and find a way to achieve consensus in supporting the procedures of TRCT by serving as "neutral ground" where all parties can come together and participate.

1.2.3 To prove to the international community that Thailand is capable of solving this problem through developing its own impartial arbitration mechanism in the form of "an independent commission", the same as other civilized countries.

1.2.4 To give importance to the system of "investigation by the people" (public accountability) and thereby gain the confidence and trust of the Thai people and the international community.

1.2.5 To be careful not to infringe upon the deliberations of courts of law. TRCT is not a court of law, nor an agency of the system of justice.

1.2.6 To employ the principles of transitional justice in a form suitable to the unique context of Thailand.

In order to achieve its goals, TRCT organized its activities into the following four dimensions: 1) Investigation and truth-seeking; 2) Restoration, rehabilitation and conflict prevention; 3) Research into the root causes of the conflict; and 4) Building reconciliation and preventing a reoccurrence of violence. A separate sub-commission was directly responsible for each of these four dimensions.

1.3 Administration and Management

The TRCT Office is a unit in the Office of Justice Affairs, Ministry of Justice. The Secretariat of the Commission oversees staff and employees of the TRCT Office and is directly responsible to the Chairman of the Commission for the work of the Office. The Office has the authority and responsibility to organize and support the Commission's activities, research, meetings and conferences, public relations, and secretarial duties.

1.3.1 Personnel

The TRCT Office includes the TRCT Commission and the TRCT Secretariat. The Commission is made up of 12 commissioners, 4 consultants, and 116 sub-commissioners; the Secretariat had a total 48 full-time staff (not all employed at the same time but in rotation).

1.3.2 Budget

TRCT received a total budget from the government of 77 million baht - 32 million baht in August 2010 and 45 million baht in December 2011. In total, expenses came to 65,261,586.80 baht. As for the remaining portion of the allocated budget, TRCT passed a motion to give this amount to the Office of Justice Affairs to support activities that must be carried out after the completion of TRCT's mandated term of operation relating to dissemination of information on the proceedings of TRCT to the public.

Following, is a summary of TRCT expenses for major aspects of its operation during the period July 2010 – July 2012.

1.3.2.1 Payments made to participants in meetings of TRCT Commissioners. The Chairman received 1,500 baht per meeting; Commissioners, secretaries, and assistant secretaries received 1,200 baht per meeting. There were 34 meetings resulting in a total payment of 225,220 baht.

1.3.2.2 Payments made to participants in 107 sub-commission meetings. Payments were made according to the following civil service regulations: 1,000 baht per meeting for the Chairperson, 900 baht per meeting for the Deputy-chairperson, 800 baht per meeting for Sub-commissioners, secretaries and assistant secretaries. Total payments came to 1,533,800 baht.

1.3.2.3 Salaries for full-time office staff and experts/specialists totaled 12,174,740.82 baht.

1.3.2.4 Expenses for organizing 141 meetings totaled 5,594,945 baht.

1.3.2.5 Expenses for seminar projects and research activities totaled 1,299,357.36 baht.

1.3.2.6 Expenses for hiring consultants for 24 research and data collection projects totaled 25,880,057 baht.

1.3.2.7 Expenses for rent and fittings for the TRCT office and installation of computer equipment totaled 14,286,104.36 baht.

1.3.2.8 Expenses for office stationery and supplies totaled 3,171,536.58 baht.

1.3.2.9 Other miscellaneous expenses totaled 995,805.68 baht.

As for the remaining 11,738,413.20 baht (accurate as of 30 July 2012 but this amount may change as expense payments are still being made), TRCT passed a motion to give this amount to the Office of Justice Affairs to support activities that must be carried out after the completion of TRCT's mandated term of operation. These activities include hiring of personnel and organizing activities which were seen to be beneficial and appropriate to

the objectives of TRCT such as dissemination of information on the proceedings of TRCT to the public.

1.4 Outcomes of Proceedings

1.4.1 Cooperation with Other Agencies

TRCT coordinated with state and private-sector agencies, as well as private individuals in Thailand and from other countries, to obtain information and support; especially information about incidents that occurred and support with field visits to provide restoration to those affected. In addition, TRCT was contacted by overseas agencies and international organizations that had experience in managing conflict; agencies such as the United Nations Development Programme (UNDP), the Centre of Humanitarian Dialogue (CHD), and the International Center for Transitional Justice (ICTJ). Also, TRCT was contacted by a number of embassies and received the assistance and advice of foreign experts.

1.4.2 Activities of TRCT

1.4.2.1 TRCT organized forums and activities in which the public could deliver speeches, exchange ideas and opinions, and discuss the operations of TRCT.

1.4.2.2 TRCT compiled three interim reports for the Cabinet and the public and submitted five recommendations to the prime minister. These recommendations related to: Holding strongly to the rule of law, maintaining an appropriate atmosphere for reconciliation, protecting the basic rights of people accused of criminal offences, and providing tangible restoration. In addition, TRCT presented an open letter which recommended ways to reduce the conflict within our society and promote reconciliation.

1.4.2.3 TRCT organized a project to collect statements from those affected by the unrest and violence in order to learn how these problems have impacted on their lives. TRCT studied the data collected from statements provided and used it to identify the root causes of the problem and set a strategy for reconciliation.

1.4.2.4 *The Investigation and Truth-seeking Sub-commission* obtained facts about the unrest and violence through interviews with individuals and with personnel of state and private agencies. These projects, as well as public forums, gave all parties, especially those embroiled in the conflict, a chance to talk together and exchange information.

1.4.2.5 *The Restoration, Rehabilitation and Violence Prevention Sub-commission* analyzed the data relating to the impact of the violence, visited those affected, organized community forums, and established the Restoration and Rehabilitation Center for those affected by the violence. The Sub-commission also organized public forums to listen to people's opinions and used the information gained to set criteria for suitable restoration. The Sub-commission

also coordinated with state agencies so that restoration was made systematically and efficiently.

1.4.2.6 *The Research and Academic Affairs Sub-commission* organized meetings to listen to opinions on various issues and consulted with academics and representatives of state and private agencies, both in Thailand and abroad, to determine the factors that led to such a deep-seated conflict within Thai society. Their findings were widely disseminated among the Thai public through discussion forums, articles, and the media so that Thai people could know and understand the root causes of the conflict.

1.4.2.7 *The Strategy for Reconciliation Sub-commission* acted as a mechanism for bringing together the various parties so that they could talk together. The formal meetings and informal discussions that the Sub-commission organized were aimed at finding systematic ways to build reconciliation that corresponded to international standards and the principles of human rights. TRCT communicated with a broad spectrum of people through the television program “TRCT Reports to the People” and through on-line social networks.



PART 2 • Summary of Incidents of Violence and Violations of Rights

2.1 Introduction

An investigation into the violent events that occurred is necessary if we are to bring reconciliation to our country. Society must know the truth about what happened and the reasons for the violence and the facts discovered must be revealed to the public. Investigations were made into the immediate and root causes of the violent conflict, into violations of human rights, loss of life, damage to property, and into the physical and emotional affects on people's lives as well as other forms of damage. The aim of the investigation is to build a common understanding of events, promote restoration and rehabilitation as well as justice and fairness in our society. TRCT hopes that this will prevent such violence from ever occurring again and that it will lead to happiness and peace for our society – a society that is tolerant, patient, and accepting of different ways of thinking. Also, that it will lead to an enduring reconciliation in Thailand.

2.1.1 Proceedings of the Investigation and Truth-seeking Sub-commission

TRCT established the Investigation and Truth-seeking Sub-commission (Sub-commission) to investigate the facts relating to the unrest and violence that occurred in our society, especially during April and May 2010. The Sub-commission collected information, facts, and opinions from all parties involved.

2.1.2 Conceptual Framework Applied in Investigation and Truth-seeking

In investigating and searching for the truth about the violence in April-May 2010, the Sub-commission held to some important principles and concepts in carrying out its duties. It stressed that “there is more than one truth” and used the word “truths” instead of “truth” to reflect the fact that different people and different sides have their own version of the truth. The Sub-commission's aim was to establish a truth which is acceptable to the various groups based on forums that allow for expression of the “points of view” or “truths” of every party. Data were compiled, analyzed, and considered objectively using methods of forensic science combined with statements from witnesses. The goal of truth-seeking is to provide answers to the basic questions: “What happened?”, “How did it happen?”, “Why did it happen?”, and “What impact did it have?” Answers to these basic questions helped those involved and the wider society set a framework for proceeding that was the beginning of creating justice and reconciliation in our country.

2.1.3 Conceptual Framework Applied in Proceedings of the Investigation and Truth-seeking Sub-commission

Investigation and truth-seeking of TRCT focused on why the violent incidents occurred, the context, who was involved in the incidents, and the reasons why they became involved. It also tried to determine ways in which such incidents can be prevented in the future and what needs to be done to prevent them. Some parts of TRCT's investigation may be similar to those employed in criminal investigations but this wasn't always the case as the intent of criminal investigators is to apprehend offenders and to prosecute them by finding witnesses and evidence to prove wrong-doing on the part of the accused. While carrying out its investigation, TRCT focused on building an understanding of the political background to the conflict, from the time of the declaration of the Constitution of the Kingdom of Thailand 1997 through to the violence during April and May 2010, as well as to investigate the political violence that occurred during those two months. In this way, TRCT hopes to create an understanding of the overall picture of the political events that occurred. TRCT's investigation and truth-seeking had the following conceptual structure:

2.1.3.1 To disclose the truth about the incidents to the public and to build an understanding among people in Thai society so that such incidents of violence can be avoided in the future. TRCT's aim is not to identify wrong-doers and prosecute them in a court of law.

2.1.3.2 To hold to the principles of human rights, democracy, the rule of law, and national reconciliation.

2.1.3.3 To provide opportunities for persons accused of various offences to explain their actions.

2.1.3.4 To gather facts, witnesses, and evidence from all parties; particularly forensic evidence.

2.1.3.5 To conduct in-depth investigations of incidents as well as gather information on other related issues.

2.1.3.6 To listen to all parties, parties of interest, intermediaries, and experts in order to obtain facts, opinions, and recommendations; and to use these to prove or affirm the truth about violent events.

2.1.3.7 To protect the confidentiality of information, witnesses and evidence.

2.1.3.8 To establish all plausible hypotheses, discard the least plausible, and conduct in-depth investigation of the most plausible based on the supporting and conflicting information available.

2.1.3.9 To investigate the actions of individuals that influenced the actions of organized groups.

2.1.3.10 To investigate specific incidents in order to gain an understanding of general principles and an overall view of the incidents.

2.1.4 Methods of the Investigation and Truth-seeking Sub-commission

2.1.4.1 The TRCT sub-commissions needed to investigate and determine the truth about many confusing incidents. As there were many details and a great deal of evidence and information about the incidents, both in Bangkok and in the provinces, some special investigation and truth-seeking sub-commissions had to be set up to investigate specific incidents. There were five such groups which performed the following activities:

1) Investigated and sought the truth about the recent unrest and violence as well as incidents that occurred during April and May 2010 from documents and news reports.

2) Invited representatives from state agencies, victims of violence and those affected, individuals and representatives of agencies involved, and experts from both within Thailand and from other countries to explain facts, documents, objects submitted as evidence, or their opinions in preparation for consideration by the Commission.

3) Prepared investigation reports on each of the specific incidents.

2.1.4.2 The process of investigation and truth-seeking included identifying target groups for the collection of data; carrying out in-depth interviews; inviting individuals to visit the Commission or send data or evidence; conducting inquiry hearings and focus group meetings; searching for facts, data, and forensic evidence; interviewing experts; taking statements; inspecting documents and evidence from individuals, agencies, the state, private enterprises, and media broadcasts.

1) There were six groups targeted for the collection of data: 1) The United Front for Democracy against Dictatorship (UDD); 2) The government, the Center for the Resolution of Emergency Situations (CRES), and state agencies; 3) Medical personnel; 4) News reporters and photographers, both Thai and foreign; 5) Police officers, including investigation agencies such as the Department of Special Investigation; 6) Other groups such as peace groups, citizens involved in the events, members of communities, victims of violence, and members of the public that were affected.

2) Data were obtained from in-depth interviews of individuals, data and/or evidence sent in to the Commission by individuals, and interviews of individuals and groups that were involved in incidents or witnessed incidents.

3) Inquiry hearings yielded information provided by all parties - those wounded; relatives of those who were killed; those who were affected; protestors; agencies and state personnel, both commanders and subordinates who were directly involved; medical units; emergency teams; those who were in the incidents; and the media.

4) Focus group meetings were held on seven issues. These included interviews with experts and those involved in the issues.

5) Investigations and truth-seeking for facts and evidence used methods of forensic science.

6) Statements were taken from all parties affected by the incidents of unrest and violence in Thailand during April and May 2010 through interviews. Some of the information obtained was used in investigations and truth-seeking.

7) Documents received from the state, private enterprises, and individuals as well as photos, video clips, news reports, articles and other printed material relating to the incidents were studied.

2.1.5 Problems and Obstructions to Investigation and Truth-seeking

1) The proceedings of TRCT rely on cooperation. Lack of cooperation led to not receiving some information, receiving information that was incomplete, or a reluctance or tardiness in providing information.

2) TRCT did not receive a suitable level of cooperation from state agencies because of the political division. However, after the general election in July 2011, TRCT gained greater acceptance for its independence and impartiality and this led to improved cooperation from all parties.

3) A lack of protection for individuals and agencies that provided information affected the willingness of individuals and agencies to come forward and talk to the Commission and provide information, news or evidence.

4) Managing the expectations of people that incurred losses or were affected was difficult because TRCT had no direct involvement in delivering restoration. TRCT could only recommend to the relevant state agencies that particular restorations be provided according to the authority of those agencies.

5) TRCT has one observation regarding protection of the sites where incidents occurred. It was seen in many cases that state investigation agencies did not, or were not able to, cordon off the areas and keep them in their original state. These areas were cleaned before they were completely and fully investigated. Important evidence could therefore have been lost, removed or destroyed. TRCT also saw that many of the sites of incidents were not inspected immediately after the incidents or were not inspected at all.

6) Some of the photographs and video recordings that are used in the report were widely broadcast through mass media channels. We were not able to inspect the sites where these were recorded, nor determine the time they were recorded even though TRCT worked with forensic experts skilled in analyzing such images. We had to depend on analysis which combined the photos with events that occurred in incidents and information about the surroundings in order to determine which incidents the photos were from. Because of the large number of photos and video recordings collected, including those from public broadcasts, we were not

able to investigate all of them, especially photos that were distributed on the Internet.

7) TRCT tried to listen to as broad a range of opinions and views as possible from all parties but information obtained from some agencies or individuals was one-sided and unfair. TRCT will present the conflicting information along with the findings of TRCT.

2.2 Sequence of Events and Political Situation after Declaration of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) and during 2010.

2.2.1 Political roles before the declaration of the Constitution of the Kingdom of Thailand B.E. 2540 (1997).

2.2.2. Political roles during the period when the Constitution of the Kingdom of Thailand B.E. 2540 (1997) was in force.

2.2.3 The coup de'tat of 19 September, 2006.

2.2.4 Political roles during the period that the Constitution of the Kingdom of Thailand B.E. 2550 (2007) was in force.

2.2.5 Political occurrences and incidents of violence in 2009.

2.2.6 Important political occurrences and incidents of violence between January - March, 2010.

2.2.7 Sequence of incidents of violence during April-May, 2010.

2.3 Investigative Findings relating to Specific Incidents of Violence during April – May 2010

2.3.1 Violence at Thaicom Satellite station on 9 April 2010.

2.3.2 Violence in incidents on 10 April 2010. Violent incidents at Makhawan Rangsang Bridge, Somdej Phra Pin Klao Bridge, Kok-wua Intersection, in front of Satri Wittaya School, and in Dusit Zoo.

2.3.3 UDD ends the demonstration on Ratchadamneon Avenue and moves it to the Ratchaprasong Intersection, where the demonstration begins to gain strength.

2.3.4 28 April 2010: Violence in the area of the National Memorial.

2.3.5 13 April – 13 May 2010: Violence in the area of Saladaeng Intersection before the Center for the Resolution of Emergency Situations (CRES) blocked the demonstration area.

2.3.6 CRES blockade the UDD demonstration and violence during the blockade from 13 – 18 May 2010.

2.3.7 Death of Major-General Khattiya Sawasdipol on 13 May 2010.

2.3.8 Smaller demonstrations and violence outside the security force blockade.

2.3.9 Violence in the vicinity of Saladaeng – Silom – Lumpini Park – Rama IV Road –

Bonkai – Withayu Road during the cordoning off on 13th-18th May, 2010.

2.3.10 Incidents in the vicinity of Rajaprarop Road, Dindaeng Triangle and the Victory Monument on 13th-18th May, 2010

2.3.11 Violent incidents on 19 May 2010

2.3.12 Incidents in the vicinity of Pathumwararam Temple on 19 May 2010.

2.3.13 Arson in Bangkok

2.4 Regarding the Appearance of “Men in Black” in Demonstration Areas who Used Violence and Combat Weapons

2.4.1 Violence on 10th April 2010

2.4.2 Violent incidents in Rama 4 Road–Bonkai and Ratchaprarop Road areas

2.4.3 References made in a rally speech in January 2010 to Independent Forces
 (“Forces whose side in the conflict was not known”)

2.5 Findings Concerning Demonstrations between March and May 2010

2.6 Use of Force and Weapons in Controlling Crowds and Dispersing Demonstrations

2.7 Findings Concerning Disappearances, Torture and Rape



PART 3 • Reasons and Root Causes for the Conflict

3.1 Research Method and Procedures

The Research and Academic Sub-commission (Sub-commission) conducted research in order to clarify the root causes of the conflict in terms of the law, politics, history and other issues which may have influenced the occurrence of conflict and violence in April and May 2010. It was seen as important that the public participated in the research process so many activities were organized that involved the participation of academics, the public, and other groups. These activities included public forums to listen to information and opinions, forums that presented investigation and research results, and regular forums to report to the public. These forums allowed the Sub-commission to obtain and compile information about the issues, listen to opinions, study relevant theories from Thailand and other countries, set a conceptual framework for research, and come together to find a way to build reconciliation in the country. The aim of these activities was to facilitate justice for all parties and to provide for restoration and rehabilitation of individuals, society, organizations, and institutes that were affected by the violence according to transitional justice and restorative justice.

Based on information obtained from these activities the Sub-commission set a research framework consisting of five areas: 1. Unequal power structure in Thai society; 2. Political violence: social dynamics, culture, and solutions; 3. The system of justice and political violence: problems and solutions; 4. Organizational reform of security agencies; and 5. Limits to freedom of the press under the legal provisions of the law.

The Final Report presents the results of research in these five areas together with information on conflict management, promoting peace, transitional justice, restorative justice, and experience gained in managing the conflict within the country. This report also includes what has been learnt from Truth for Reconciliation Commissions (TRC) in other countries. These are all summarized in terms of root causes of the conflict.

3.2 Analysis of the Root Causes of the Conflict in Thai Society

In the view of TRCT, social change is a normal occurrence. Sometimes change leads to conflict, but conflict itself may have a good impact on society and spur development or it may have a negative impact and escalate into violence and cause harm to society. Therefore, during a period of change society must find a way to effectively manage conflict so that it can survive and develop. In managing conflict, a society may use a non-violent, peaceful approach; or it may use a violent approach to achieve its objective.

In considering the social conflict in Thailand, TRCT has focused on analyzing the root causes of the conflict - how it started and how it gradually escalated into violence - by looking at the economic, social, and political context. This part of the report selects important incidents that occurred at different times to illustrate the underlying factors that impelled, from whatever direction, the conflict to become violent.

3.2.1 The Beginnings or Initial Growth of the Conflict (Latent Tension)

Before the conflict became apparent, the root causes of the conflict were a mix of many inter-related factors. Thai society has always had inequality in its economic and social structure. This is reflected in the differences between urban and rural society and the differences between the industrial sector and the agricultural sector. For example, there is unequal ownership of resources and unfair distribution of earnings; the policies and management mechanisms of the government have not created a fair society; and law enforcement and justice procedures do not correspond to the rule of law. Social inequality such as this gave rise to at least two social classes most easily referred to as the “governing class”, those with economic and political power, and the “governed class”, the majority who lived under the control of the governing class.

This unequal power relationship in itself creates conflict. However, in the past this conflict was not apparent and did not express itself in any form of violence. Society was able to maintain a balance or equilibrium between the two classes through: 1. The Thai political culture and belief in the law of kamma; 2. a “half-democratic” nation that employed negotiated power and advantage for the leaders; and 3. the role of the state as benefactor or manager.

3.2.2 Period of Overt Conflict

When the world entered the era of globalization that led to broad economic, political, and social changes; the original way of thinking which used to maintain the balance between the Thai social classes could not escape being questioned. The situation that arose during this period is of interest to TRCT. This new way of thinking strongly impacted on the initial stirrings of violent conflict in Thai society and on the change in economic structure and the implementation of the Constitution of the Kingdom of Thailand B.E. 2540.

3.2.2.1 Changes in economic structure.

Research found that during the period just mentioned, the government proceeded with policies aimed at leading the country into an era of full capitalism which gave rise to groups of “new capitalists” and “old capitalists”. This brought about a movement of capital and labor, and to an expansion of development in the region which affected the growth of the rural production base and increased employment opportunities and other economic opportunities. As a result, the people became more economically self-reliant. It is possible

that this increased economic power made the original “governed class” more confident in their value and worth. They came to know their rights and duties and to develop a sense of being “citizens”. The role of the government also changed; and the state changed from being a managed or benefactor state to being more of a welfare state.

3.2.2.2 Declaration of the Constitution of the Kingdom of Thailand B.E. 2540.

The Constitution of the Kingdom of Thailand B.E. 2540 established many criteria and new benchmarks for politics and governance at that time. These included giving more opportunities to the people for participation in the governing of the country and in acting as a check on state power so as to build transparency in the political system and make it more stable and efficient. This was accompanied by reforms to the system of justice. In addition, this Constitution promoted and protected the rights and freedoms of the people and included clear confirmation of citizen’s rights. This thinking stressed that the people were correct in believing that, no matter what their level or status, they were the owners of political power, should participate in politics, and should have a policy of expanding political and economic power in their local area. This new concept destabilized the old way of thinking and clearly revealed a conflict between the classes – between the “new capitalists” and “old capitalists”. These “liberal concepts and concepts of citizenship” along with “culture of the people”, “grass roots movements” and “the leader class” evolved into a conflict that became apparent. For these reasons, TRCT think that the Constitution of the Kingdom of Thailand B.E. 2540 is a good starting point for studying the reasons and root causes for the violence during April and May 2010.

During the same period, Thailand was facing an economic crisis. This provided an opportunity for the new capitalists to gain power in the running of the country. They were supported by the grassroots movements through a policy of populism which led to the popularity and confidence in leaders that implemented policies and ways of administration that focused on ability and decisiveness. It is a pity that this social change opened the door to broad policy-based corruption. An example of this can be seen in the “hidden assets case”. This can be seen as a turning point in the swell of dissatisfaction with the government of Pol. Lt. Col. Thaksin Shinawatra, spearheaded by the People’s Alliance for Democracy (PAD) who used these issues as a basis for demanding that the government of that time step down. This led to violent and persistent conflict between groups of “supporters” and groups of “opponents”.

Looking at the conflict from a different angle, the media was another factor that encouraged the conflict to spread. The development of communication technology gave rise to a rapid increase in the number of people participating in alternative mass media channels which made communication easy and required little investment. This included the “new media model” of online social networks and community radio. These provided more communication alternatives, including channels for two-way communication which were independent and

beyond the control of the state. These forms of communication were used for political benefit by political groups or political supporters and created confusion among the general public who listened to the news broadcasts at a time when the main media channels were under the control of the state and were making one-sided news broadcasts to the public in support of the state. “Political Communication” was sponsored by the state as a tool to make demands on various groups.

3.2.3 Period of Power Struggle and Commencement of Violence

When the conflict appeared, it gave rise to two clearly opposing groups in the struggle for power; a struggle which eventually turned violent. Following, are explanations of some of the factors which made the conflict become violent.

3.2.3.1 *A different understanding of democracy.* One group believed democracy was the voice of the majority and the other believed democracy was an issue of legitimacy, transparency, accountability, and a willingness of those holding state power to be monitored at any time.

3.2.3.2 *An increase in political media channels and private media channels.* The “new media model” enabled many people to disseminate information without any screening or inspection. Political propaganda or hate speech could be constantly disseminated among a wide circle of people quite easily and quickly through private communication channels such as online social networks and web-boards.

3.2.3.3 On 19th September 2006 the Council for Democratic Reform under Constitutional Monarchy (CDRM), under the leadership of Gen. Sondhi Bunyarataklin, carried out a coup d’etat and seized administrative power from Pol. Lt. Col. Thaksin Shinawatra. Although this coup was supported by some of the people it was also a factor in encouraging violence because coups obstruct solutions to problems in the democratic system and are counter to the rule of law.

3.2.3.4 *Uncertainty about the rule of law in Thailand.* There was a lack of confidence in the whole legal system and system of justice. Society doubted that agencies within the system of justice were independent and free from political interference. This had been a point of continual criticism since the declaration of the Constitution of the Kingdom of Thailand B.E. 2540, particularly regarding the “hidden assets case” in 2001 in which the Constitutional Court “twisted” the law. The court used votes of constitutional judges who had already decided that the case did not fall under the jurisdiction of the Constitutional Court, and therefore made no final decision in the case, and combined these votes with other votes on a decision that Pol. Lt. Col. Thaksin Shinawatra was innocent of wrong-doing and then summarized the decision as a majority decision. There were also announcements by the Council for Democratic Reform under Constitutional Monarchy (CDRM) which were clearly counter to the rule of law. For example,

the voting rights of executives of political parties were revoked even if their offences were carried out before the announcement came into force. This is contrary to the principle of not enforcing laws that will bring negative consequences as a result of actions committed during periods prior to the announcement of the law. People must know the adverse effects of their actions at the time of doing them. Also, appointing people that were previously adversaries to carry out an investigation; or the Constitution of the Kingdom of Thailand B.E. 2550 (2007), article 309, which refers to amnesty (for the coup de'tat faction), and article 237 relating to the dissolution of political parties and revocation of voting rights of executives of political parties that have been dissolved, have been criticized as against the principle of proportionality and appropriateness to the offence.

Furthermore, the acceptance by law experts of these announcements by the coup faction as being according to law and the acceptance of amnesty for them according to article 309 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007), when mixed with other problems such as extra-judicial killings in the war on drugs, corruption, and conflicts of interest of executives; created constant disputes about violations of the rule of law in our country. It also made people distrust agencies that wielded state power and agencies in the system of justice. This created a rallying point for opposition to state power and is one of the important root causes leading to protests and demands which escalated into violence.

3.2.3.5 Judicial revolution. When the structural balance between the executive and legislative branches of government is lost, the judicial branch can accept a greater role to balance power. This has been criticized as a non-acceptable function of the system of justice.

3.2.3.6 Interference in independent organizations. Independent organizations were criticized as being inefficient and susceptible to political interference which made the performance of their duties neither transparent nor impartial. This was especially so for the Constitutional Court, Administrative Court, the Election Commission, and the National Anti-corruption Commission and became one of the causes leading to political conflict.

3.2.3.7 Exaggerated accusations, especially accusations of terrorism, against protestors and detaining them for violating orders given under the Emergency Decree B.E. 2548, gave rise to feelings of spite and rancor and led to an escalation in violence.

3.2.3.8 Creation of a perception that justice was administered with a double standard. References were made to interference in the system of justice, both in law enforcement and in the duties of an independent organization. This created doubt about the rule of law and made some people feel that they had not been treated fairly by the system of justice.

3.2.3.9 References to the Monarchy made for political benefit. People who had a part in the conflict tried to maintain their own status by referring to the Monarchy or drawing the Monarchy in as a political issue to build legitimacy with the public for their political movement. This included acting in ways that intruded or impacted on the Monarchy. Lèse majesté laws were

used as a tool to attack opponents and claim that they were not loyal to the Monarchy so as to build legitimacy for their own side and show that their aim was to safeguard the Monarchy. People criticized in this way then felt resentment which in turn had a negative impact on the Monarchy and efforts were made to make the Monarchy appear just symbolic. Also, ideas began to circulate that the Privy Council was interfering in politics.

3.2.3.10 *A lack of knowledge on how to manage conflict* caused the parties involved to choose violence as a way to solve the conflict. The group opposing those wielding state power was intent on provoking violence because they believed that if violence erupted, the state would use force to quell it and then both parties in the conflict would believe that the group that used force first, would be the loser.

3.2.3.11 *Using the military to control the conflict and manage protestors* in April 2009 and again in April and May 2010 was contrary to the role of the military who are trained to fight enemies invading the country, not to manage protestors that have different beliefs or ideologies. Lack of professional expertise and the popularity of the agency that had to suppress the opposing side was a factor that encouraged the expansion of violence.

3.2.3.12 *Phone-ins from Pol. Lt. Col. Thaksin Shinawatra*, former Prime Minister, encouraged his supporters to be arrogant while at the same time increased feelings of opposition and distrust from his opponents.

3.2.3.13 *Cultural turbulence* came to expression as hatred and gave further emphasis to the existing conflict. People started to express their hatred and to incite division by spreading half-truths to deepen the conflict.

3.2.3.14 Stakes in the conflict were raised and it took on the characteristic of “winner takes all”. This made each party feel that they could not lose because the stakes were too high and harsh revenge would follow if they lost. Moreover; forces were being mobilized and masses of people were making uncompromising demands on their adversaries.

3.2.3.15 *The Constitution of the Kingdom of Thailand B.E. 2550 and the issue of amending the constitution*. Because some people still gave importance to the Constitution of the Kingdom of Thailand B.E. 2540 which is called “the People’s Constitution” there was a negative attitude towards the Constitution of the Kingdom of Thailand B.E. 2550 which was drafted after the coup.

3.3. Summary

The root causes of the conflict in our society and factors influencing its escalation into violence are all interrelated and affect each other. The violence did not arise because of just one factor, but from a complicated mix of dynamic factors that cannot be separated from each other.

The root causes of the conflict indicate that the crisis, conflict and violence that occurred; especially during April and May 2010; although seemingly a conflict between people with different beliefs and ideologies, was in fact a conflict deeply-rooted in the economic, social, class, and political structure of the country. The conflict was between individuals or groups who had clearly different ideas and ideologies. Some were suspicious of the social changes being encouraged by others and feared that such changes would affect their benefits or power and so resisted the changes in order to maintain the status quo.

Conflict among these people, when combined with problems in the socio-economic structure, differences between social classes, political intervention by the military through coup d'états, the use of media channels to expand the conflict, and weak democratic and judicial mechanisms; especially criticism that state mechanisms did not correspond to the rule of law; made it clear that the root of the crisis and conflict in Thailand resulted from of a complex and interrelated web of factors. No single factor can explain the conflict.

These motivating factors continued to influence events after the coup de'tat; an event which both sides claimed as justification for fighting and struggling to gain power to run the country. Both sides took turns in holding state power throughout a period of more than five years. They exchanged positions as either the side that held state power or the side that opposed those who did. These factors can be likened to fuel that kept the conflict and violence going and helped it proliferate throughout the period just mentioned and up to the present.



PART 4 • Restoration and Rehabilitation of Victims

4.1 Introduction

TRCT aims to provide both short and long-term restoration and rehabilitation as well as proceed according to restorative justice and social justice. The Commission therefore studied the meaning and concepts of restoration and restorative justice as well as legal measures and criteria of restoration in other countries. These were then applied to restoration and rehabilitation efforts in Thailand in order to prevent further violence and loss in the future.

4.2 Theories of Restoration, Rehabilitation, and Violence Prevention during Incidents of Political Unrest

One important mechanism in transitional justice is restoration. This means providing reparation and restitution to victims or people whose rights have been violated. In so doing, importance is given to the living conditions of those who incurred loss, restoring rights that were violated, appeasing the pain and torment that occurred, and protecting people's dignity. This is achieved by providing reparation in a form that is adjusted to suit the place and situation of the victims in the violent incidents.

Reparation is not just about the money or the form of reparation being provided. It symbolizes an “apology” to the people for what happened. It reflects the state and society's determination to respond to the violation of human rights that occurred and is made with the acceptance of all sides involved so that society can be confident that reparation given to the people who were affected or who sustained losses is not given just to keep them quiet.

4.2.1 Characteristics and Types of Restoration

The United Nations has established basic principles and concepts relating to rights, restoration, and reparation. These can be explained as being of five forms as follows:

4.2.1.1 Restitution. Setting measures for rehabilitation of victims of violence that return them to their original state or condition in terms of human rights, rights and freedoms of the individual, and citizen's rights.

4.2.1.2 Compensation. Making payments according to what is suitable, proportional, and according to the circumstances of the violation. This may include reparation payments for physical injuries, mental injury, loss of opportunity, damage to property, loss of income or expenses such as legal expenses, medical expenses, and social services expenses.

4.2.1.3 Rehabilitation. Therapy and rehabilitation of body and mind, including legal assistance and social assistance.

4.2.1.4 Building satisfaction. Measures to stop violations of human rights as well as other rights through truth-seeking, searching for missing persons, considering cases and imposing punishments, apologies to the public, and building memorials and monuments.

4.2.1.5 Guaranteeing non-recurrence. Reforming organizations to strengthen confidence that violations of human rights will be prevented in the future and by arranging measures to prevent, monitor, and solve social conflict.

For restoration to be successful it must bring not only material benefit but also benefit in terms of what it represents.

4.2.2. Persons Eligible to Receive Reparations

People who were affected or victims whose human rights were violated have a legitimate right to request restoration. People who are eligible to receive restoration can be classified into two types.

4.2.2.1 Individuals. Individuals must be accurately classified so as to be able to receive tangible assistance. This stresses their value as individual human beings and their status as one who has rights.

4.2.2.2 Groups. Aimed at the benefit to individuals who were affected by violations of human rights but when proof of individual loss is not possible, or when large numbers of individuals were involved, or when the value of losses incurred in the violation of some rights cannot be determined on an individual basis. Restoration for groups may be in the form of rebuilding the structure of communities or restoring lost identity or confidence.

TRCT found that combining measures of restoration - individual and group - according to the situation is the best method for many situations or when there is a limited budget for restoration.

4.2.3 Persons Responsible for Providing Reparations

The state is responsible for guaranteeing that all those whose rights were violated will receive equal justice. The state must bring benefit to society as a whole and help those who incurred losses to return to society, irrespective of who was responsible.

4.3 Legal Measures for Restoration in Other Countries

TRCT has studied and compared legal measures related to restoration methods and criteria in five countries: Germany, Chile, South Africa, USA, and Argentina. All of these countries have experienced social violence and have implemented different models of restorative justice and measures of restoration.

4.4 Methods and Principles of Providing Restoration to Those Affected by Incidents of Violence

Providing restoration to people affected by violent incidents must be based on principles that are accepted by people inside the country and by the international community. TRCT has proceeded according to the restorative principles of assistance and rehabilitation of victims (victim support) by meeting with victims, visiting communities affected; providing legal, social, and psychological assistance; by providing first-aid treatment; and by applying the principles of restorative justice. TRCT also organized public forums for victims (victim hearings) to provide opportunities for victims to tell about incidents from their point of view and express their feelings of resentment (airing of grievances) which is one part of the healing process.

4.4.1 Legal Measures Related to Criteria for Restoration in Thailand

In Thailand there is no specific law covering rights to restoration for losses stemming from incidents of political violence. Therefore, special measures must be employed that do not overlap with rights that are already covered within the legal framework and practices of agencies that operate in normal circumstances. Such special measures are necessary in order to provide restoration that is effective in preventing violent incidents in the future and building reconciliation in the country.

4.4.2 Restoration for Losses Incurred During Political Violence

Criteria and methods of providing restoration for losses incurred in situations of political violence are classified as follows:

4.4.2.1 Non-monetary restoration (four measures) as follows:

1) Restoring to original condition is aimed at violations that have already finished. It involves mostly social and economic restoration, such as reconsideration of criminal cases involving rights.

2) Rehabilitation is usually considered within the framework of reparation for damages. In most cases, this will involve just ordering the state to pay all reparation for expenses in rehabilitation.

3) Providing satisfaction is a model for compensating mental/emotional damage or damage to dignity or reputation. It may involve the decision of a court that victims had their rights violated, an apology to the public, and acceptance of responsibility, or a public remembrance which has symbolic meaning.

4) Guaranteeing that there will be no re-occurrence can be accomplished in numerous ways such as by passing legal measures that protect those that safeguard human rights, medical personnel, legal personnel, the media, and others.

4.4.2.2 Financial restoration has two principle measures as follows:

1) Reimbursement for physical and mental injury. This includes reparation for financial losses and determining economic losses on the basis of equalization which is the accepted method of assessing loss according to the law.

2) Economic and social reimbursements to compensate for property loss including disappearance of property, loss of income, legal expenses, opportunity loss, and education.

4.5 Organizations and Methods of Remedying Those Affected by Political Violence

In other countries there is usually the establishment of an independent fact-finding commission that has the authority to consider remedies. However, in Thailand making payments to people who have incurred losses as a form of humanitarian assistance is *ex gratia* (just given). This corresponds to the concept of restorative justice that emphasizes reconciliation and apologies so that people can live together in society. Establishing an organization or agency in the form of a commission or restoration assistance agency comprised of commissioners from a variety of backgrounds to set the criteria and make restoration assistance payments confirms that the government is sincere in expediting restoration of those affected; more so than to have some agency of the state set criteria and make restoration assistance payments. Furthermore, the methods of restoration should be convenient, both in terms of submitting claims and place for receiving payments. The duties of the restoration assistance center should be set as should the process for making complaints.

4.6 Summary of Progress in Restoration for People Who Have Been Affected by Political Protests (details are provided in the Final Report)

4.6.1 From its investigation, TRCT found that the government has proceeded with restoration for cases of bodily injury or loss of life, including those who were killed, disabled, seriously injured, moderately injured, or slightly injured. Also, in special cases hospital fees have been paid for persons who require on-going medical treatment.

4.6.2 TRCT was able to compile and summarize reports on soldiers that were affected by the incidents of political unrest. These reports include details on soldiers who were killed, soldiers that were moderately injured, and soldiers who were slightly injured.

4.6.3 TRCT coordinated with the Department of Mental Health to learn about the outcomes and obstructions to the restoration process. The Commission also joined together with the Department of Mental Health to coordinate a mobile medical team and a team of public health volunteers to provide mental health restoration. The teams visited families of those who were affected to assess their mental state after the incidents. TRCT found that the Mental Health Department monitored the project and had received a special budget allocated by the Cabinet. The project finished in November 2010 but because there were still many members of the public that were affected, both physically and mentally, TRCT recommended that it would be appropriate for the government to allocate an additional budget for the project to continue restoration activities.

4.6.4 Business operators that incurred damage to property resulting from the incidents of political unrest also received assistance from the state.

4.6.5 Interim monitoring of the effects of use of power under the Emergency Decree B.E. 2548 during the political unrest in April and May 2010. The Final Report summarizes offences and punishments as well as the number of offences committed, according court records. Cases include participation in wrong-doing; having others commit offences or support acts of terrorism; assembly for unlawful purposes involving 10 or more people who used armed force to harm or create chaos in the country either by giving or following orders; lèse majesté offences or expressing malice toward the Monarchy, the Queen, or Heir to the Throne, or persons who act in their place; cases of disobeying orders of authorized personnel or any action that incites unrest or disorderliness in areas that have been declared emergency areas; and cases of robbery, burglary, receiving stolen goods, or trespassing.

PART 5 • Recommendations

TRCT is very concerned about the conflict situation that has arisen and the many factors that could lead to further conflict and escalation into violence. We request that all parties realize that the tremendous loss and damage that we have sustained is because of the conflict and division within our society. We should use this crisis as a lesson to remind us of the losses and the need for us to come together and foster an environment that will stop our country falling into such violence again. This means that we must help each other to overcome the conflict and bring about reconciliation. **TRCT calls on the state and all sectors of our society to earnestly implement the recommendations of TRCT so that we can achieve a tangible reconciliation by reflecting on the benefits to all and not by choosing to implement just those recommendations that benefit only our own side or some single group.** With this in mind, TRCT make the following recommendations.

5.1 Recommendations on Using the Facts about the Events and Root Causes of the Conflict as a Lesson in Reconciliation-Building

TRCT calls on all sides to give genuine commitment to finding a way to reunite and solve the problem of conflict and violence. We need to come together and nurture an atmosphere for reconciliation, cease acting in ways that will incite violence, and work together to create an understanding of the causes of the conflict.

5.1.1 TRCT calls on all sides to understand that reconciliation is not only an outcome, but also a process. It is a process that is driven by methods that are acceptable to all sides and dependent on their mutual participation. It is a process that cannot be rushed; it takes time, patience, and the involvement of all parties. Any effort to speed up the process of reconciliation will not be conducive to a suitable atmosphere for reconciliation and will only cause doubt and suspicion.

5.1.2 TRCT calls on all parties to cease any activity that would damage the atmosphere for reconciliation. All parties should realize that reconciliation will be impossible if those involved in the conflict think only of beating the other side and emerging as the winner without compromise or agreement. TRCT calls on all sides to broaden their thinking and to listen to opinions different from their own. All parties should cease disseminating information and articles that incite hatred and violence towards each other. They should use reason more than emotion when considering issues, respect each others' rights and freedoms, and lessen

the competitive attitude that seeks victory over the other side or looks at problems just from one's own viewpoint.

5.1.3 TRCT perceives the conflict as a conflict of interests of persons who do not want to lose personal benefits and incorrectly use their political power to interfere with state agencies and independent organizations without considering the impact that this might have on the country. This problem reflects a lack of political ethics on the part of those holding political office. This is a major obstacle to building national reconciliation. TRCT calls on all politicians to consider their duty and responsibilities as persons who have accepted to serve the people to the best of their ability and to work with honesty for the benefit of the nation. They should not use the political arena to incite discord or bring up new issues that generate continued conflict. This would just bring about a repetition of the original conflict and possibly make it worse. This is especially true in using political advantage for one's own benefit. Political groups should use the parliament as their principle forum for solving problems and political conflicts; and not forums outside the parliament. In addition, TRCT believes that all political parties should compromise and agree on ways to reduce the conditions that have brought about the conflict, establish mutual trust, and create an atmosphere for reconciliation.

5.1.4 TRCT's research into the situation and the root causes of the conflict revealed that even though the conflict appears to be between individuals or groups it is, in fact, a conflict deeply rooted in the basic socio-economic structure of our country. This structure has led to distrust between various groups in society that are not on an equal standing and to opposition to change in order to maintain the status quo. This type of conflict; when conjoined with social inequality; weak democratic mechanisms, rule of law, and system of justice; as well as incitement of conflict by the media; gives rise to a crisis and conflict that is interlinked and complicated. There is no single root cause that can explain the conflict. TRCT believes that this phenomena reveals to us that Thai society is "a society in transition" and that all parties need to understand the root causes of the conflict so that a way can be found for Thai people to come together and find a solution to the problem based on the economic and social structure of our society. This will enable us to overcome the conflict and bring about reconciliation.

5.1.5 In disclosing the facts about the conflict and violent events that have occurred, TRCT aims to create mutual understanding – one of the important building blocks for reconciliation – as well as provide a summary of the incidents to serve as a lesson for us so that we can prevent our country experiencing such a crisis again. All parties must be open-minded and accept differences. TRCT is very concerned that after the facts are disclosed, they may be used to incite more violence or open up new issues for argument which is not our intention in

disclosing the truth. For instance, people might choose only some of the facts that are useful to their own side and present them to the public in an incomplete form so as to attack the opposing side. TRCT requests that the government, political groups and the media understand these concerns of TRCT and refrain from the actions mentioned. Also, that they consider the effects that such actions may have on our society if only some of the facts are revealed or only part of the picture is given.

5.1.6 The government and political groups striving for reconciliation must see the importance of public participation in the reconciliation process. The state must reveal information to the people and clearly explain why the incidents occurred. It must also have a system in place for receiving the public's opinions and feedback; especially from those who incurred losses and were affected by the incidents. By opening channels for the people to exchange opinions and have broad-based discussions about the root causes of the conflict, society will come to understand the issues more clearly. For example, the government could organize public forums, deliberative dialogues, or public deliberations where people can express their opinions and listen to the opinions of others who hold different views. This would allow people to find a way to compromise and to understand the issues in the same light. In this way, we can live together in one society but differ in peaceful ways.

5.1.7 Although TRCT has come to the end of its mandated period of operation the process of reconciliation must continue. In any event, during this present period of social division when people have broken into different groups and sides, the actions of any group, including encouragement by the government to bring about reconciliation, may be resisted or viewed with suspicion, especially from those parties that were adversaries in the conflict. For this reason, TRCT believes that the state should create some impartial mechanisms to support the continuation of the process of reconciliation, provide funding for those mechanisms, and not interfere in their work. For example, establish a reconciliation network made up of groups of individuals who are impartial, who represent all sectors of society, and who desire to play a leading role in the democratic and peaceful process of reconciliation.

5.2 Recommendations Concerning Transitional Justice

5.2.1 Conflict is a natural phenomenon in all societies. If a society lacks effective mechanisms for dealing with conflict, it may lead to great losses, especially when opposing parties in the conflict resort to violence in order to achieve their goals and when such violence is not acceptable to the society in which the conflict occurs. TRCT believes that when violence occurs all parties should try to understand what has happened and choose to implement

the principles of transitional justice. These are important principles that will lead a society to overcome the conflict and prevent further violence. The mechanism of transitional justice should be adjusted using a holistic approach that corresponds to the internal situation, not by just using those mechanisms that are useful for one's own side.

The principles of transitional justice do not cancel out those of the (existing) system of justice. They provide a flexible mechanism that is appropriate to Thai society as it passes through this period of conflict. In implementing the principles of transitional justice, we must start from a disclosure of the truth and establish a process whereby the groups affected by the conflict and society at large can be informed. The truth that is disclosed will enable us to decide whether legal proceedings should be commenced or whether responsibility should be shown in some other way which may not involve legal action. It will also lead us to decide whether amnesty should be given for actions in those incidents or not. It may also help us decide what should be done in order to find a way out of the conflict that is acceptable to all sides. During this process of finding our way, suitable restoration should be provided to all those who were affected by the violence.

Legal Proceedings

5.2.2 TRCT believes that those who did wrong should be held legally responsible, accept criminal liability, and be dealt with by the justice system according to law. TRCT is not confident that peace and happiness in our society will be achieved if justice is not served and culprits are not dealt with by the system of justice. TRCT therefore calls on the state to investigate and bring the culprits from all sides in the conflict to justice. The state must guarantee that legal proceedings against the culprits will be fair, unbiased, equitable, and respectful of the rights and freedoms of accused persons, defendants, and claimants in all criminal cases. Also, cases need to be considered by magistrate courts that are capable, independent, and impartial.

5.2.3 TRCT believes that breaches of criminal law during violent incidents or situations of heightened political conflict such as those that we have experienced are not behaviors that would generally occur during normal times in our society. They are induced by a clash of political ideals that make people resent unfair treatment. In some instances, culpable actions were rooted in the political conflict and the perpetrators were not hardened criminals. In these cases, imposing punishment for violent behavior may only increase the anger of those accused and this would be an obstacle to reconciliation. TRCT is of the opinion that applying the principles of criminal justice, which stress only punishment, may not solve the current problem which is rooted in political conflict. Such a way of proceeding is inappropriate for Thai society in its current state of transition. TRCT wishes to stress again the necessity of implementing

the principles of transitional justice and restorative justice together with criminal justice procedures in order to restore relations between the groups in the conflict, facilitate justice for all sides, and reduce conflict. Possibly, we can learn from the measures implemented in other countries that have faced violent conflict and adjust the measures they employed to suit our unique situation in Thailand.

Restoration

5.2.4 TRCT believes that arranging for restoration of victims of violent incidents, irrespective of what side they were on, and providing justice to those affected by actions contrary to the rule of law is an important condition for reducing conflict. TRCT calls on the government to earnestly provide restoration, systematically and continuously, to cover the various types of losses sustained, both physical and mental/emotional, so that things can be returned, as much as possible, to their original state. Restoration should not be limited to just financial reparation but could include rehabilitation of their mental state and their dignity, legal assistance, advice on livelihood or occupational training, educational services, tax exemptions or reductions, or by offering an apology. In addition, the state should give importance to restoration and rehabilitation of communities or society, particularly residential or business areas that were affected by the demonstrations and incidents of violence, by offering such things as assistance with rental payments.

5.2.5 The state should compile a chronicle or build a memorial for the people to remind them of the violent incidents, the victims, and the losses that occurred. This will help build a national consciousness and a shared feeling that incidents of violence should be prevented from ever occurring again.

5.2.6 TRCT again stresses restoration of the groups that demonstrated during the political conflict and who were treated unfairly in subsequent legal proceedings, especially those who were accused of using excessive force and were not granted temporary release. The government should find measures to reduce the impact of actions taken against this group by providing humanitarian assistance to the families of the accused who have not been able to obtain temporary release. The government should also pay reparation to accused persons who the court has acquitted, irrespective of which court considered the case.

Showing Responsibility by Apologizing

5.2.7 Based on the facts and root causes of the conflict, all parties involved must accept some degree of responsibility. Every party should review their role and actions in the events - whether the government, opposition, political parties, leaders of protestors,

security agencies, or the media. TRCT call on the leaders of all these groups, most especially the prime minister who was running the country at the time the violent incidents occurred and/or the current prime minister, to apologize to the public. These leaders should express their responsibility, as leaders of the government, for the incidents of violence that occurred. An apology is especially appropriate to the victims of violence because the state lacked effective mechanisms for peacefully managing the conflict which eventually resulted in tremendous losses. The leaders should also indicate their intention to protect the personal safety and property of the public by being careful not to allow violent incidents or gross violations of human rights to occur again. It is TRCT's opinion that in addition to providing restoration based on the human dignity and honor of the victims, this would also be a good example of political responsibility and would help create a better atmosphere for reconciliation in our country. TRCT requests that all parties realize that accepting responsibility and apologizing are necessary conditions for national reconciliation, no matter how much time has passed since the incidents.

Amnesty

5.2.8 Amnesty is not the objective or final outcome of reconciliation but it may expedite reconciliation. However, in granting amnesty we need to consider what is appropriate in terms of time, situation, and procedure; otherwise it will not facilitate reconciliation. Rushing to grant amnesty can also create issues that give rise to renewed conflict. TRCT believes that encouraging the government to consider drafting the Reconciliation Act B.E. ..., which grants amnesty to offenders, is rushing the process of reconciliation which requires participation by all groups in society, especially victims and those who were injured who will be directly affected by the amnesty. Rushing amnesty will make people suspicious and may lead to confrontation which could escalate into violence.

5.2.9 TRCT believes that during this period when Thai society is in transition from conflict to reconciliation, the issue of amnesty must be dealt with very carefully, considering the principles of transitional justice, and taking into account the desires of those who were affected, the responsibility of culprits, our understanding of the truth, and the causes of the conflict. Let offenders provide reparation or express responsibility to those affected and to society until those who were involved in the conflict come to understand and forgive each other or come to a compromise to grant amnesty. During a time when there is no conclusion about amnesty, the state must safeguard the rights of those who were injured. They must be provided equal access to the system of justice and be able to proceed with cases against those who were involved.

5.2.10 TRCT believes that amnesty should be granted when it does not impact on the rights of victims to know the truth about what occurred, the right to equal access to the system of justice, the right to receive appropriate restoration, the acceptance of responsibility by those involved, and a guarantee from the state that violence will not occur again. These are all elements of transitional justice. Amnesty which limits these rights will very likely be opposed by society and be an obstacle to any agreement to build national reconciliation.

5.2.11 TRCT believes that granting amnesty must proceed according to international standards and not by self-amnesty - a process whereby those who have committed offences make a law to exempt themselves from responsibility, or grant a blanket amnesty, or unconditionally absolve all parties involved. Grants of amnesty must clearly specify what offences are covered by the amnesty and the conditions under which the amnesty is granted. The offences committed need to be classified according to the characteristics of what was done by the people involved using a legitimate legal procedure based on the democratic principle of having all parties participate.

5.2.12 Granting amnesty must take into consideration the protection against erasure of wrong-doing, or impunity. In addition, TRCT believes that the government must consider amending or abrogating laws that would result in illegitimately erasing wrong-doing and consider carefully the Rome Statute of the International Criminal Court so as to prevent culprits from escaping from the system of justice and committing criminal acts in the future. This would include amending relevant laws so that Thai courts can proceed with cases according to “trial in absentia” - considering a case without the defendant being present – on condition that the state guarantee fair consideration of the case and set strict and clear conditions for criminal cases relating to some types of extreme human rights violations.

5.3 Recommendations Concerning the Rule of Law and the System of Justice

The conflict situation has made Thai society break into opposing sides and has made each side suspicious of the other. TRCT believes that uncertainty about the rule of law and the national system of justice is an important factor in arousing this distrust and feeling of enmity. This is not just a lack of confidence in one or other organization within the system of justice or the effectiveness of law enforcement, but a distrust of the complete system of law and justice.

During incidents in the conflict, all the opposing parties referred to laws and the justice system to build legitimacy for their own side and protect their own benefits. This diminished confidence in the system of justice. For example; the judicial decision in the case of the hidden assets case with Police Colonel Thaksin Shinawatra as the accused and considered by

the Constitutional Court in 2001 involved a distortion of the law; the incident after the coup d'état in September 2006 when a notice was given by the Council for Democratic Reform under Constitutional Monarchy (CDRM), 27th edition, which increased the penalty and revoked voting rights for political party executives whose party had been dissolved; in the 30th edition the appointment of the "Commission to Investigate Activities that Caused Loss to the State" that investigated the use of authority by the government of Pol. Col. Thaksin Shinawatra and which gave rise to criticism of back-dated laws and to the setting up of counter investigations; the issue of amnesty according to Article 308 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007); and article 237 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) which stipulated the dissolution of political parties and revocation of voting rights of executives of political parties which was later criticized as being disproportionate and inappropriate to the rule of law; and the "Cook and talk" case in 2008 when the Constitutional Court passed a unanimous resolution that Mr. Samak Sundaravet could no longer be prime minister as he had been a speaker on a television show which made him an employee of a private company, a condition that is prohibited by the Constitution. This resulted in criticism that the Court interpreted the law too broadly according to the intention of the Constitution in relation to conflict of interests. On the issue of the rule of law and system of justice, TRCT has the following recommendations.

5.3.1 Uncertainty about the rule of law in our country derives from the time of the Constitution of the Kingdom of Thailand B.E. 2540 which stipulated that courts have an increased role in political checks and balances through such measures as requiring that there be a Constitutional Court as well as a Supreme Court handling criminal offences of those currently holding political office. Even though this corresponds to the principle of checks and balances between the various branches of government, the exercise of authority must be based on the theory of separation of powers and according to the rule of law. TRCT call on all parties to give importance to setting suitable roles within the democratic system, especially to the authority of courts - the highest authority in judging disputes - and to the exercise of authority that is within the framework of the law and the rule of law so that the exercise of sovereign power will be balanced.

5.3.2 The state and the system of justice should lead society in managing conflict peacefully and be careful not to become those who destroy the rule of law and violate the rights of the people. In addition, the government should create understanding of the rule of law among all groups and sides involved and promote research relating to ways to maintain the rule of law in Thailand. This may be done by organizing public forums or social networks for discussions and building understanding of the rule of law.

5.3.3 TRCT calls on the government, the opposition, political parties, and all parties involved in the conflict to desist from claiming their own legitimacy according to the law and the justice system for their own short-term benefit. This affects the confidence and trust in the rule of law and the justice system in the long term. All parties must maintain the rule of law in Thailand earnestly so as to solve the problem of conflict and build enduring national reconciliation.

5.3.4 The state must always keep in mind that the use of force by any state agency must be according to due process of law and follow legal statutes. The state must have an effective procedure for checking the use of state force. Such procedure must not be carried out by an agency of the state but by another agency such as a civil society group or the people. Further, the state must set effective control measures for situations in which the state, or agencies of the state, use illegitimate force.

5.3.5 Laws enforced in the state must be legitimate, clear, and understandable. The government must provide opportunities for the people to access state information and must distribute information relating to laws and draft laws so that the public have a broad understanding of them.

5.3.6 The system of justice was an important factor in the escalation of conflict into violence. It was suspected that the system of justice was not independent, was being interfered with, and lacked a system of checks, especially in procedures and judgment of cases connected with politics. Some groups felt that this was unfair and discriminatory and criticized the Thai justice system as having a “double standard”. When one side in the conflict, formerly the opposition, was elected as the government, the lower levels of the justice system such as investigators and officials in special investigations, were accused of being political tools of the government in managing the opposing side. This made the public doubt the justice system and in turn led to a deterioration in their confidence in the use of state power. Some groups would not accept the mechanism of the system of justice and this created conflict and escalated into unrest. TRCT believe that the government must build public confidence that the agencies of the system of justice, especially agencies under the control of the executive branch such as the National Police Office and Department of Special Investigation, are able to work independently without interference and that all agencies in the system of justice will be impartial and will strictly avoid siding with any party and adhere to the principles of neutrality and non-discrimination. Also, that they will not do anything that could lead to their being seen as just tools of the state, which is one side in the conflict.

5.3.7 TRCT believes that the state must understand correctly the principles of criminal justice. The government must carefully control the use of the law and justice procedures to ensure they correspond to the principles of human rights, human dignity, and non-discrimination.

5.3.7.1 TRCT stresses again that the state must refrain from shackling and using fetters and handcuffs on accused persons and those detained by the Department of Corrections. The government and relevant state agencies must apply the United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955 to improve their practices in administering punishments and corrections laws so that they correspond to international principles.

5.3.7.2 TRCT calls on the government to earnestly proceed in clarifying accusations of use of excessive force against those in political demonstrations such as those accused of terrorism. This can be done by screening or considering each case according to its characteristics or the behavior of the accused and quickly informing the public of the reasons why temporary release may or may not be granted in order to dispel doubt in the minds of the public.

5.3.7.3 TRCT stresses again its recommendation relating to the temporary release of people detained by the state. The government and agencies of the justice system should earnestly proceed in granting temporary release to detainees. In addition, the practice of agencies in the justice system of setting bail requirements provides an opportunity to professional bailsmen and insurers who try to gain personal benefit from this practice. This is not correct, nor appropriate. In this matter, the government must proceed according to the law.

5.3.7.4 TRCT found that in criminal cases the rights of those who sustained losses are not being properly protected. Those who sustain losses have many rights, such as the right to proceed with criminal prosecution and the right to receive reparation. However, the law does not stipulate that officials in the justice system inform the claimants of their rights, so claimants who do not know the law or do not have a good legal advisor will not know anything about their rights in criminal justice cases. This is different from situations in which accused persons or defendants in criminal cases must be informed of their rights according to law. TRCT believe that the state should inform claimants of their rights so as to create social equality and reduce criticism that there is a double standard in the Thai justice system.

5.3.8 TRCT found that inquiries and investigations into cases relating to incidents of political violence during April and May 2010 were interfered with. In some cases, forensic evidence obtained was incomplete making it impossible to facilitate justice for all parties. To be able to facilitate justice for all parties equally, TRCT view that the state should promote access to the system of justice for all those who incurred losses, without discrimination, and those whose rights were violated. Also, to investigate cases impartially, independent of political influence.

This would include promoting the use of forensic procedures to find evidence that is objective, impartial, and complete.

5.3.9 In solving the problems of the system of justice in the long term, TRCT believe that the state must systematically reform the law and system of justice so that they are efficient, transparent, accountable, and corresponding to the rule of law. This requires proceeding systematically from the beginnings of inquiries and investigation, through to filing charges, protecting against wrong use of the system of justice, establishing mechanisms for special cases, and promoting public participation and knowledge about the system of justice.

5.3.10 Deficiencies in the Thai system of justice in Thailand have arisen because law is taught by people who do not understand the principal theories. At present, the study of law in universities and among lawyers stresses methods of applying the law and memorization of the articles of law more than the philosophy of law. TRCT believes that the state and related agencies should develop the study of law and the quality of personnel in the field of law to understand the theory of law and justice, including placing importance on respect for the rule of law and ethical training for lawyers.

5.4 Recommendations Concerning Democracy, Good Governance, and Respect for Human Rights in Thai Society

TRCT found that one of the root causes of the political conflict is different views on the country's democracy. One side gave weight to the legitimacy of elected officials and the other side gave weight to the virtue and ethics of elected officials more than to the fact that they were elected by the majority. This difference in belief gave rise to people choosing a view or interpretation of democracy that corresponded to their own beliefs or their own advantage and to refuting the view of the opposing side. This led to a division of society. TRCT have the following recommendations.

5.4.1 TRCT asks that all parties understand that even though the system of democracy is not without faults, it is the best system of governance at the present time. If there is a problem with the faults of the democratic system, all parties must be patient and learn to solve those problems by making adjustments and reforming the system using democratic and peaceful means. These means could include parliamentary or judicial system procedures or a referendum, but not a coup d'état. TRCT call on the political sector, the army, and every member of the public to believe in, and adhere to, the democratic system no matter how serious the political problems may be. We must solve those problems using the methods of the democratic system.

5.4.2 TRCT believes that the state must teach the public about the important principles of governance under the democratic system including promoting the values of democracy in families, educational institutes, and organizations as well as democratic ways of behavior. The state must support the exchange of knowledge so that all people understand that the sovereign power of democracy rests with the people. Therefore, all parties must accept the results of legitimate elections but should understand that just having an election does not reflect being truly democratic; there must also be good checks and balances and the governance of the country must be transparent and responsible.

5.4.3 The state must apply the principles of good governance to the administration of the country efficiently, transparently, and accountably. There must be an efficient mechanism of checks and balances so as to build the confidence of the people in the governance of the state. In addition, the state must solve the problem of dishonesty and cronyism by promoting a mechanism to check for dishonesty that is independent and impartial and is able function without interference. Such a mechanism must have the support and cooperation of civil society and public networks that check on the state and the social control mechanism so as to create a social sanction against dishonesty.

5.4.4 TRCT calls on all politicians to hold to the ethics and professional behavior of their profession. The political sector should improve the process used to select people that enter politics so as to protect against politically unscrupulous people obtaining political office. Also, to encourage people who are knowledgeable, capable, and ethical to enter the Thai political system. TRCT also calls on the state to strictly adhere to, and practice according to, its obligations to *the United Nations Convention against Corruption, 2003*.

5.4.5 The state must protect and guarantee the basic human rights and freedoms of the people including protection against violations of those rights and freedoms irrespective of which group commits the violation. The state must also set measures to protect against severe violations of human rights. During a period when the nation is involved in conflict and there is expression of differences in political views, TRCT believes that the state must protect the people's right to freedom of expression which proceeds according to the framework of the law using peaceful means, including protection of people from dangers arising from the exercise of such freedom. Also, the law should not be used as a political tool to close or limit people's access to information and news or to limit the people's freedom to express views and opinions within the framework of the law.

5.4.6 TRCT asks that the government practice according to its international obligations and substantive agreements important to protecting the basic human rights and freedoms of the people. Also, that they consider modifying or abrogating laws that excessively impact on the rights and freedoms of the people, including laws that clearly conflict with the rule of law such as impunity laws. In addition, the state should distribute information relating to rights and freedoms of the people according to the Constitution and essential points in international agreements relating to human rights so that the public are well-informed on this issue. Agencies and state personnel should be made to understand this issue so that they adhere to the rights and practice them effectively.

5.4.7 The state must develop a mechanism and promote a solution to the problem of conflict in our society using peaceful means. Further, the state must promote education of the public and training of state personnel so that they are knowledgeable about, understand, and are skilled in using such a mechanism to solve conflict at all levels. Political leaders and society must be a model in solving conflict using peaceful means.

5.5 Recommendations on Solving the Fundamental Problems in Thai Society

TRCT believes that as long as the root causes of the conflict are not truly solved; especially the fundamental problems such as economic and social inequality, unequal ownership of resources, unfair distribution of earnings, and corruption; conflict will continue to smolder in Thai society and may erupt into violence. In order to reduce the problem of social conflict, TRCT have the following recommendations.

5.5.1 The government must be intent on reforming the economic and social structure, politics, system of justice, and the law so as to solve the fundamental problems in Thai society.

5.5.2 Important root causes of the conflict are social, economic, and political inequality as well as a lack of social justice. These have given rise to demands from the people (for change). TRCT believe that the government should set legal measures or policies to reduce the various forms of inequality. These measures should build social justice, create a mechanism for equal access to justice, and solve the problem of economic inequality among the people. In this regard, the government should give special consideration to the rights and opportunities of children, youth, women, the elderly, the disabled, and those who lack opportunities in our society.

5.5.3 The government must implement measures or policies to facilitate the equality and sustainability of sector development and raise the quality of life of the people. These measures

should include developing the quality of education, creating equal opportunity for access to education, and promoting knowledge and understanding of political administration within the democratic system so the people can follow the activities of politicians and participate in investigation of politicians when necessary.

5.5.4 The government should adjust the views and management of the state and the civil service system by focusing on public participation. The government should reduce the role of centralized administration and stress a distribution of power to communities and empower the people to be initiators and implementers so as to support the democratic system and strengthen public politics. In addition, the government, through related agencies, should study the rise of various public political groups, the structure and development of relations between these groups, and the stance of the state and society so as to set ways in which public sector politics can develop appropriately and correspond with national development.

5.5.5 The government, political parties, and political groups should promote creation of a power structure that facilitates equal development. Also, the creation of a political institution or political party that is representative of the people; one that can manage policies that reform society and focus on equality of the people, and that considers the genuine benefit of the nation, not just of leaders or influential groups.

5.6 Recommendations Concerning Constitutional Amendments

The Constitution, in its status as the highest law of the nation, must be genuinely accepted by all parties. The present conflict is closely linked to articles in the Constitution of the Kingdom of Thailand B.E. 2550 which was declared after the coup d'état and the dissolution of the Constitution of the Kingdom of Thailand B.E. 2540. This latter Constitution was drafted using a process that clearly involved the citizens of the country. Although the present Constitution lacks acceptance by all the people, TRCT is very concerned about initiatives to amend it because constitutional amendment is a sensitive issue that could easily end in conflict. On this issue, TRCT have the following recommendations.

5.6.1 TRCT believe that many movements to amend the Constitution are well-intended and are directed toward easing the conflict in our society or adjusting the political structure to be more democratic. However, during a time when the country is divided and when most of the citizens have not been fully informed about the content of the changes and do not correctly understand the procedures of constitutional amendment, and when there are groups who do not agree with such changes; encouraging rushed amendments to the Constitution will only generate

suspicion. TRCT call on the government, the cabinet and related organizations to consider that constitutional amendments must correspond to the rule of law, the highest legal principle of the Constitution. They must be carried out correctly according to constitutional procedure, possibly by using an earlier constitution which was accepted as being legitimate, both in terms of its content and drafting procedure that involved the people and followed the democratic model, and adjusting it as appropriate.

5.6.2 TRCT stresses once again the importance of public participation in the process of constitutional amendment. So that our society will be confident in the process, TRCT believes that the state must organize public forums or social networks to discuss and argue the relevant points of the Constitution. Also, to use their organizational power according to the Constitution to ascertain what the problems are and how they should be adjusted or rectified. In this way, the people will be informed about all aspects of the proposed changes and will be able to consider the pros and cons, including any effects that may come about before a possible referendum is organized to ratify the changes. TRCT is confident this procedure can be carried out and that the people will be the genuine owners of their Constitution.

5.6.3 TRCT believes that the state must build understanding on the part of the general public regarding the process of drafting and amending the Constitution, the important points in the Constitution, the effect that the Constitution has on the governing of the country, on monitoring the use of authority by agencies according to the Constitution, and on protecting the rights and freedoms of the people according to the Constitution. In addition, the State should instill in the people an awareness that they are the owners of the Constitution and should therefore respect and cherish the Constitution based on a shared understanding that amendments to the Constitution can be made according to the requirements of a changing society by proceeding according to the steps and process stipulated in the Constitution.

5.7 Recommendations Concerning the Monarchy

The conflict situation that has arisen in Thai society is a reflection of the suspicion and opposition to a power shift among those involved in the conflict. Some groups do not want to lose power or benefits because of the political changes and therefore try to maintain the political, economic and social status quo by referring to the Monarchy, an institution which is at the heart of all people in the nation, in order to gain legitimacy or support from the people for their political agenda. Involving the Monarchy caused the political problem to escalate to the point where society became completely divided and a misunderstanding arose regarding the Monarchy and opposition began to grow to the Institution itself. TRCT hold this to be extremely dangerous to

our nation. In addition to creating misunderstanding regarding the Monarchy, lèse majesté laws were used as a political tool to attack opponents and accuse them of not being loyal to the Monarchy. Those so accused became resentful and this had a further negative effect on the Monarchy. Regarding this issue, TRCT have the following recommendations.

The Monarchy under the Constitution

5.7.1 TRCT believes that recommendations that it has already made relating to the Monarchy have not been followed, especially by politicians who still insist on bringing the Monarchy into issues and political conflicts. TRCT request that all sectors bear in mind that making references to the Monarchy for political advantage will have a negative effect on the Monarchy and will impact on the security of our nation. All parties should express their intention to revere the Monarchy as being above political conflict and refrain from making references to the Monarchy for political benefit, whether direct or indirect.

5.7.2 TRCT calls on politicians, political parties, and political groups to have earnest discussions together to determine a suitable way to proceed in order to safeguard reverence for the Monarchy as being above political conflict, possibly by clearly setting a national agenda.

5.7.3 In order for the Thai Monarchy to be held in the highest esteem under the Constitution and within the democratic system, the government should support an exchange of ideas and build a common understanding among members of society of the position and role of the Monarchy in our system of Constitutional Monarchy. The government should promote study and research relating to the Monarchy and have a forum for people of varying opinions to exchange their opinions in a creative and peaceful manner so as to find a suitable way to revere the Monarchy as above political conflict and be in accord with the democratic system.

Lèse Majesté Laws

5.7.4 The lèse majesté laws are Article 112 of the Code of Criminal Law, and the Computer-related Offences Act B.E. 2550. In addition to not protecting the Monarchy, the use of these laws as political tools has been an obstacle to building national reconciliation. TRCT has made recommendations on the enforcement and amendment of these lèse majesté laws but these recommendations have not yet been considered or implemented. TRCT calls on the government and agencies involved to follow the recommendations made. TRCT found that for offences in which a “public figure” is damaged (sustains loss), the Thai legal system does not yet have “offence requiring authorization”. People in the justice system seem to proceed with cases out of fear or servility.

5.7.5 TRCT believes that enforcement of Article 112 of the Code of Criminal Law stipulates a punishment that is not proportional to the offence, limits discretion of courts in determining suitable punishment, lacks clarity in the boundaries and scope of the law, and still provides opportunities for any individual to make accusations and proceed with a case. This renders the law susceptible to being used as a tool for political benefit. TRCT calls on the government and parliament to have the courage to eliminate problems connected with this law by studying the criminal policies of other countries which have a constitutional monarchy and adjusting our laws accordingly. The Monarchy is an issue which is very sensitive and any amendments to the law mentioned must be carried out very carefully in order to avoid violent conflict occurring. Any amendment must proceed in a way that allows for the participation of all sectors or the expression of a broad range of opinions.

5.7.6 As the *lèse majesté* laws have not yet been amended, TRCT requests that agencies in the system of justice proceed very carefully in enforcing these laws during this time of political conflict. Any violations that involve bad intentions against the Monarchy should be dealt with strictly but criminal measures should not be enforced in an overly strict way that has no direction and does not take into account the sensitive nature of the case. Also, enforcing these laws using too broad an interpretation of the relevant act should be avoided as this would impact on the rights and freedom of individuals to express honest opinions or constructive criticism as allowed by a system of constitutional monarchy.

5.7.7 TRCT found that in criminal justice proceedings related to *lèse majesté* offences there were many agencies responsible and that they were not all proceeding consistently or in the same direction. TRCT believe that the government must unify and integrate these agencies by establishing an appropriate mechanism that sets an appropriate criminal policy and is capable of classifying and screening cases of *lèse majesté* based on the degree of wrong-doing, strength of motivation, status of the individual that committed the offence, the overall context of the situation that brought about the behavior, and the effects that would result from proceeding with the case considering the exalted position of the Monarchy.

5.7.8 The government must promote the use of discretion by agencies in the system of criminal justice and officials that deal with case proceedings for *lèse majesté* offences. They should proceed correctly and appropriately and help reduce the number of cases that proceed unnecessarily through the justice system. TRCT stresses again the importance of prosecutors using discretion in these cases by weighing up the pros and cons of proceeding with a case.

5.8 Recommendations Concerning the Media

TRCT has previously recommended that all branches of the media must exercise caution and accept responsibility for the information they provide to the public. State media must be particularly careful to remain impartial and provide equal opportunities to all sides. All parties, especially community radio, must stop provoking violence and avoid presenting news in a defiant style as this destroys the atmosphere for reconciliation. From an assessment of the situation, TRCT found that the media was not careful enough in presenting information and played a part in encouraging and expanding the conflict and were still being used as tools for making political demands by broadcasting information aimed at attacking opponents using distorted versions of the truth.

Recommendations to Media Organizations

5.8.1 TRCT has previously recommended that all branches of the media must exercise caution and accept responsibility for the information they provide to the public. State media must be particularly careful to remain impartial and provide equal opportunities to all sides. All parties, especially community radio, must stop provoking violence and avoid presenting news in a defiant style as this destroys the atmosphere for reconciliation. From an assessment of the situation, TRCT found that the media was not careful enough in presenting information and played a part in encouraging and expanding the conflict and were still being used as tools for making political demands by broadcasting information aimed at attacking opponents using distorted versions of the truth.

5.8.2 TRCT calls on the media to carry out their duty while considering their responsibilities to society within the framework of ethics and professional conduct. The media must not distort the truth and must broadcast correct information, complete, and comprehensive to the people. The media must not present information which creates hatred or incites people to violence or broadcasts pictures of violence that indicates that the use of violence is something ordinary and normal in Thai society. The media should consider the impact and suitability of what is presented to society.

5.8.3 TRCT is very concerned about the divisions that have occurred among people in the nation and which have made Thai society become so divided that people are suspicious of what side a person might support or oppose. There is little area for people who are neutral or who are moderates in the conflict. TRCT believes that only a minority of the press are trying to present information or news which is factual and reflects a comprehensive picture and a variety of the views of people in society. TRCT call on the press to increase their role in easing

the crisis of conflict in our nation by performing the role of public forum for all sides, especially those that are moderates, in order to reduce the role of extremist groups who aim to incite violence. TRCT request that the press increase their role in urging society to find some creative solution to the various issues by using good judgment and reason instead of just reporting the arguments between the opponents in the conflict.

5.8.4 Professional media organizations must proceed in earnest against violations of professional standards and ensure that personnel in the profession have standards and good conduct. In addition, professional organizations should inform the public about what types of behavior constitute violations of ethical standards and how they can make complaints about wrong behavior. Also, how they can make complaints about the process of investigation and the procedure for making complaints. This will open the door to public checks on the way that media personnel carry out their duty and is also a way to train the public to use more discretion and wisdom with regard to the news.

5.8.5 Press agencies should support the systematic teaching and training of staff by focusing on ideals and professional ethics. They should also compile a handbook on reporting news in conflict situations and provide training in reporting the news in situations of armed conflict, issues to consider when reporting on sensitive issues, rules for field reporters in areas of violence, criteria relating to identifying oneself as a member of the press, and symbols used to identify the mass media. Safety equipment should be provided for those in the field and mental preparation before carrying out duties. Press agencies should help society understand the role of the press and how journalists can be protected while carrying out duties in areas of violence.

Recommendations to the State

5.8.6 The state should rehabilitate and restore members of the press that worked in situations which involved a risk to their life and safety. There should be both mental and physical rehabilitation, especially for those journalists who were injured or the families of journalists who lost their lives in incidents. These people should receive benefits, restoration, and honor; both from the organization for whom they worked, professional organizations, the state, and society in general.

5.8.7 The Constitution prohibits the closure of a newspaper or other public media channel if such closure deprives them of their freedom of expression according to the Constitution. Therefore, the state must not close media agencies or employ other similar measures to limit their freedom, including gaining influence over the media in any way. Using the power of the law

to prohibit presentation of any news must be with a legitimate intention and must not involve measures that are contrary to the constitution. In controlling and directing the content of the news to be presented criteria must be met and procedures must be fair, transparent, non-discriminatory, and allow opportunities for the media affected to dispute the actions.

5.8.8 In cases of absolute necessity because of safety or peace-keeping needs, especially in situations of armed conflict, the state may establish a controlled area where the press are not allowed to enter. However, in doing so the state must consider transparency and report to the public in a straight-forward and timely fashion.

5.8.9 The state must support the development of efficient, self-imposed control mechanisms relating to standards of professional conduct for media personnel which are in accord with the Constitution. These mechanisms could include the establishment of an independent organization which protects the rights and freedoms of the press according to ethical standards under the control of a media professional council established by decree and made up of members selected by the media to set the ethical standards and control and monitor procedures.

5.8.10 The state must support protection measures against interference and threats to the work of the media, whether from political groups, influential groups or shareholders so that the media can present news in a truly independent fashion. The state must solve problems associated with the ownership structure of media agencies to protect against media domination and should make a law protecting personnel in media activities so that they are independent in presenting news and opinions as allowed for in the Constitution. One method would be to strictly divide investors, executives, and editorial departments so the editorial departments can exercise their freedom under standards of professional conduct and not have to follow the commands of executives or owners.

5.8.11 The state must enforce the parts of the Constitution of the Kingdom of Thailand related to freedom of the press, especially the provision that prohibits those currently holding political office from owning a media business or holding shares in media enterprises, whether in their own name or through a proxy owner, whether directly or indirectly, because this involves a conflict of interest and may lead to the politician's removal from office.

5.8.12 The state should promote knowledge among the public regarding the role of the media and its duties and responsibilities to society and the public by requiring educational institutions and the Ministry of Education to organize lessons or courses that teach the public how to keep up with the news and how to be citizens that monitor the media rather than just

be consumers of news. Also, in the long term, the government must promote the establishment of a news consumer protection association that protects the public, in their role as news consumers, and functions as another monitor on the activities of the media.

5.8.13 The state must find a channel through which the public can communicate and exchange opinions and the media must play an important role in enabling the public to air their opinions and thereby reduce the gap between the groups in the conflict and build common understanding.

5.9 Recommendations Concerning the Military

Interference in politics by the military, especially through coup d'états, has made Thai society ignorant of ways to manage political crises according to the ways of the democratic system. It also creates dissatisfaction in those who believe that their own sovereign power is threatened by the ousting of a government that was elected according to the democratic system. Conflict escalated when military forces were used who had not been trained in controlling and dispersing protestors. This resulted in tremendous losses. In order to guarantee that soldiers are not a factor impacting political stability and possibly leading to violent incidents again and again in the future, TRCT presents the following recommendations.

5.9.1 Interference in politics by the military gives rise to a complicated web of political conflict which only spreads out and increases. Therefore, TRCT call on the army and its commanders to be impartial and not lead the army into involvement in politics. The army must strictly refrain from staging coup d'états or interfering in politics in any way. Further, society and political groups must not call on, or promote, the army's involvement in politics. All sides must hold to the principle that the army is under the control of the elected government (civilian control). The state and the army must develop professional soldiers who are knowledgeable and capable of protecting the country, instilling in them a sense of holding to democratic ideals, transparency, and accountability according to the principles of good governance. In addition, the government should consider setting up an Army Inspector or Defense Inspector of the Cabinet (ombudsman) who has authority to independently inspect the work of the army.

5.9.2 Using military force to solve the problem of internal conflict within the country usually leads to violence. TRCT believes that the government must totally refrain from or avoid using military force to solve problems of political conflict and demonstrations by the people. The military has a way of thinking, a philosophy, an authority, an organization, practices, training and command structure that is appropriate to protecting the country from external

threats but which is not appropriate for solving conflicts inside the country or for controlling crowds.

5.9.3 The government must improve its system of control and regulation of military weapons and small arms to be more effective in order to protect against small arms disappearing from the armories and ending up in the hands of forces of various groups. The government must also protect against these weapons being used to create violence. In addition, the state must use measures to limit the problem of illegal weapons and sale of weapons. It must implement measures to reduce the possession of weapons by the public or criminal organizations, both through suppression and through positive measures such as purchasing and destroying illegal weapons and granting amnesty to those who possess illegal weapons but who surrender them to the state.

5.9.4 The army must have strict and effective protection measures and rules against the behavior of soldiers who are “out of line” (do not follow their orders or disciplinary rules) and who have a role in the activities of political parties, influential groups, or who gain benefit from questionable or illegal business activities. This erodes the honor and dignity of the military and may lead to division within the army itself. TRCT views that the state should modify the Decree on Soldier Discipline B.E. 2476 so that it allows for disciplinary punishment of army staff of all ranks and levels, including generals.

5.10 Recommendations Concerning Demonstrations and Human Rights

During the time of nation-wide conflict there were rallies and demonstrations demanding rights and pressuring for change. These demonstrations were in accord with the people’s freedom to demonstrate but they did not proceed peacefully; there were use of weapons, incitement of anger and hatred, and the use of violence. Also, the state had soldiers take part in dispersing protestors which resulted in increased losses. Regarding this issue, TRCT presents the following recommendations.

5.10.1 The freedom to assemble is one of the basic freedoms in the democratic system. It is a political right which must be accepted and protected by the state. However, there are limits to what protestors can do. They must proceed according to articles of the Constitution which states that demonstrations be peaceful and free of weapons. TRCT calls on the leaders and participants in demonstrations to exercise their freedom strictly within the framework of the law which requires that demonstrations be peaceful, orderly, and free from the use of weapons or other objects that can be used as weapons. Protestors must consider the rights

and freedoms of other people not involved in the demonstrations and must cooperate with, and facilitate, the press and humanitarian agencies so that they can carry out their work without hindrance.

5.10.2 TRCT believes that the leaders of the demonstrations must be responsible and build an understanding among the protestors about how to exercise their right to assemble within the framework of the law. TRCT also calls on leaders and protestors to adhere to peaceful assembly and to strictly avoid any use of violence, to refrain from conduct or words that incite the public or the protestors to hatred or to violence or create fear for the safety of their life or property. This includes behavior that challenges and insults officials who are performing their duties in the area of the demonstration or provoking them to react violently and then using this response to encourage an escalation to even further violence so that this behavior can then be used to level a political attack claiming that whatever group first used force is the loser. TRCT believes that the leaders of the demonstrations must express responsibility for the incidents in which exercising the right to freedom of assembly involved violations of the law and use of violence.

5.10.3 TRCT is well-aware that exercising the freedom to assemble, especially for long-lasting political demonstrations, affects the public that are not involved. TRCT requests that the public understand that peaceful demonstrations without weapons is a basic freedom to reflect distress and make demands on the government. This is the nature of demonstrations. The protestors are calling for attention from the press and from society so there are speeches and rallies in important places. TRCT ask the public that are not involved in the demonstration to be patient and tolerant with protestors exercising their right to assemble and to avoid confronting the protestors and showing dissatisfaction or opposition to the exercise of their freedom and squabbling or fighting with them. This may result in an escalation in incidents of unrest. TRCT asks that the public keep in mind that during a time when the country is facing such conflict, Thai society must come together and build a social culture of tolerance in which individuals who have different views and opinions can live together peacefully by respecting each other's rights and freedoms.

5.10.4 The state must affirm and guarantee the people's freedom to peaceful, unarmed assembly by not only refraining from obstructing or interfering in the exercise of that freedom but also by protecting the safety of protestors from harassment, interference or injury by third parties who oppose the peaceful demonstration. This includes managing the demonstration area by directing traffic and assisting and facilitating members of the public that are not involved in the demonstration.

5.10.5 Limitations to the right and freedom to assemble and demonstrate must be in accordance with the Constitution of the Kingdom of Thailand and correspond to international principles of human rights such as the *International Covenant on Civil and Political Rights C.E. 1969* which stipulates that actions must be equitable, non-discriminatory, not in conflict with the principle of proportionality, and for the benefit of society as a whole.

5.10.6 TRCT is concerned about the application of laws relating to security such as *the Martial Law Act B.E. 2457*, *Emergency Decree on Administration of the Civil Service in Emergency Situations B.E. 2548*, and the *Internal Security of the Kingdom Act B.E. 2551*; in ordering and controlling demonstrations. The intention of these laws is to maintain national security, especially during times of violent incidents or acts of terrorism which are directed toward destroying democracy in times when protestors are calling for their rights or for justice. In addition, the Emergency Decree on Administration of the Civil Service in Emergency Situations B.E. 2548 stipulates that officials do not have to accept civil, criminal or disciplinary responsibility because they are only carrying out their duty in preventing illegal acts. Even though there are conditions that actions taken must be honest, non-discriminatory, and in proportion to the incident or not in excess of what the situation demands; when applied to controlling situations of unrest resulting from political demonstrations they can influence personnel to choose violent methods against the protestors because interpretation of the words “in proportion” and “what the situation demands” is not clear. TRCT therefore request that the government exercise extreme caution in applying this law to manage situations of unrest that result from political demonstrations because it will impact on important rights and freedoms of the people, may not correspond to the principle of proportionality or appropriateness to the situation, and may result in losses to the public and society in general.

5.10.7 TRCT believes that the government must not order soldiers, who have been trained to fight against enemies of the country, to take a role in controlling crowds or ending demonstrations of the people. Having soldiers perform this duty creates an overall picture of violence and may cause the situation to escalate and lead to violations of human rights and cause great losses such as in violent crises in the past when soldiers dispersed demonstrations of the people. TRCT see that in controlling any demonstration, the government should set this as a duty for the police or a civilian agency that has a line of command and has been specifically trained in crowd control.

5.10.8 In the event that individuals carrying weapons conceal themselves among protestors in order to carry out acts of violence, the state must proceed with measures employing special units that have been specifically trained to separate out their targets accurately and take action.

Action needs to be taken with necessary and suitable force to protect against danger that is clearly apparent or is approaching and to suppress that danger while respecting the rights, life, and safety of the officials, protest leaders, protestors, and the people not involved in the demonstration. After assessing the situation, if it is decided that their actions will endanger people, they must desist from such actions immediately.

5.10.9 The government must prepare suitable equipment for stopping demonstrations that is safe, of good quality, and sufficient for the purpose. The state must train police or others responsible for controlling crowds to carry out their duty strictly according to international principles and to have skill and expertise in doing so. Demonstrations are not to be dispersed using violent measures not proportional to the violence of the incident or not according to the steps employed in using force - starting from light force and progressing to heavier force. Weapons used should not be life-threatening in order to reduce losses and injuries. Also, suitable measures need to be in place for children, youth, women or the elderly that are in the group of protestors.

5.10.10 The government should create a plan for dispersing demonstrations and non-violent measures for crowd control. Personnel should be trained to know about human rights and the non-violent management of conflict. Such training could include training in psychology and negotiating as well as assisting medical and public health personnel and the media who are carrying out their duties in the area of the demonstration. This would require assessing the physical and mental preparedness of personnel and necessary skills in controlling demonstrations both before and after they have performed their duty. Personnel who confront or squabble and fight with protestors should not pass assessment and should be given further training and preparation before commencing duty again.

5.10.11 State agencies and personnel that carry out crowd control or are in areas where demonstrations are occurring must be patient and tolerant toward taunts and incitement to violence from protestors and must proceed in ways that correspond to internationally-recognized principles. The government must accept responsibility for situations in which undue force is used or in which there have been violations of internationally-recognized principles in controlling crowds or dispersing demonstrations. The facts must be investigated, restoration and rehabilitation provided, and justice facilitated for the victims and those affected. In addition, the government and commanders of the personnel controlling the situation must accept responsibility and apologize for the losses and use of excessive force.

5.10.12 The state should promote the creation of benchmarks for non-violent demonstrations and political movements. This could start from organizing public forums to listen to opinions and making agreements which could become the benchmarks of society. These could be used to set rules, regulations or laws for controlling demonstrations in the future. The goal of such regulations is to protect against loss that might arise from the use of force and against violations of the rights and freedoms of the people who were not involved in the demonstration while not depriving people of their right to assembly and peaceful expression without weapons.

5.10.13 TRCT believes that setting agreements or laws relating to public assembly may limit the people's freedom to assemble. Procedures establishing such laws must be done strictly in accordance with the Constitution and international principles of human rights by having the people participate in the process. In addition, the state must take into account the type and characteristics of the assembly as public assemblies in normal times; such as those connected with economic hardship, social issues, or labor are different from assemblies intended to make political demands which tend to have large numbers of people assembling during abnormal conditions and involving conflict. The government must therefore be very careful not to destroy the opportunity for the people to express their dissatisfaction and desires to the government and to society. In this regard, the government should study examples of such laws in other countries to help in adjusting ours to be more appropriate. One such example is England, which has laws that set criteria and details for public assembly and rallies (*Public Order Act 1986*).

5.11 Recommendations Concerning the Role and Protection of Medical Units, Nurses, and Disaster Relief Units that Provide Humanitarian Assistance in Conflict Situations

Being prepared and providing medical assistance is essential in times of unrest. In investigating the incidents of violence that occurred, TRCT found that medical units, nurses, and disaster relief units did not receive the protection that they should have. They were threatened and intimidated and medical facilities were intruded upon which directly affected the treatment and care of patients. There is also an issue regarding lack of confidence and distrust because of refusals to provide medical assistance during the conflict. Regarding these issues, TRCT has the following recommendations.

5.11.1 TRCT calls on all parties to protect and facilitate the activities of medical personnel, medical units, nurses, medical vehicles, disaster relief units and medical volunteers who are carrying out their duties in situations of unrest. Further, all parties are called on to respect

the emblem of the red cross which is the distinctive emblem of medical or humanitarian assistance and not to misuse this symbol. TRCT call on the government to strictly enforce the relevant laws regarding misuse of the red-cross emblem so as to protect the confidence and trust that people have in the activities of medical personnel and to insure the safety of medical and nursing personnel so that they can carry out their duties efficiently during incidents of violence.

5.11.2 TRCT holds that providing medical and public health assistance as well as emergency relief during incidents of violence is based on international principles of impartial humanitarian assistance to all. Personnel who provide such assistance are independent of the conflicting parties and carry out their duties strictly according to the code of conduct and ethics of medical practitioners with respect for humanitarian principles and for the benefit of those who need assistance. The government should promote training of medical and public health personnel to prepare them to provide assistance in times of violent incidents or emergency situations.

5.11.3 The state should keep medical personnel, nurses, and emergency relief units up-to-date on the activities of state personnel responsible for controlling violence or dispersing demonstrations so that losses that might result can be reduced. The state must coordinate so that medical units, nurses, and disaster relief units can be prepared and can make plans to provide assistance quickly and efficiently. The state must facilitate and protect their safety when they are providing assistance to and transporting the injured. All parties involved in providing medical assistance should meet to discuss and agree what symbol will be used when providing medical assistance during incidents of violence, what rules or conventions will be followed, what preparations are needed, and how activities will be coordinated. In addition, personnel that will provide assistance in areas where conflict is occurring should be clearly identifiable as the different groups might be suspicious and distrustful of each other.

5.11.4 The government should provide benefits, restoration and rehabilitation to personnel in medical units, nurses, and emergency relief units, both professional personnel and volunteers, after they have been injured in the course of carrying out their duties. Restorative assistance should be provided to the families of personnel killed in the course of carrying out their duties. They should be honored for their sacrifice.

5.11.5 The government should promote the role of military medical officers and clearly establish their role so that they can carry out their duties impartially and with the trust of all parties. The state must inform the public about the role of military medical officers so that they can obtain cooperation from all parties.

5.11.6 The government should create an understanding among the people of the role and duty of medical units, nurses, and disaster relief teams; medical services provided during emergencies; identifying symbols of medical teams; and the symbol and role of the Red Cross. It is particularly important to build confidence in the impartiality or neutrality of doctors as well as to instill a widely-held attitude that to harm medical units or use them as a tool to create conflict is unacceptable.

5.11.7 The government should promote training of police that are responsible for controlling crowds and managing violent incidents so that they understand international standards used in protecting and facilitating medical personnel, medical units, nurses, medical vehicles, and disaster relief units. In addition, the state should arrange for a team to protect medical units, nurses, and disaster relief units that are performing their duty in high-risk sites.

5.12 Recommendations Concerning Religion

5.12.1 The conflict and violence that have occurred in Thai society reflect a lack of morality and ethics, the foundation principles for living together in a peaceful society, especially a lack of ethics on the part of politicians or those holding political office. Unethical issues have become mixed up with the legitimate running of the country by the government. TRCT calls on the government and all sectors to give importance to reviving morality and ethics and to creating a society that is peaceful and promotes peaceful means in achieving its goals. The government should promote the role of religion in reducing conflict and stopping violence as well as “restoring the hearts” of those affected.

5.12.2 TRCT believes that people of all religions should increase their role in reducing division and the use of violence by people in our society. Religions should promote peace and the resolution of conflict through peaceful means. TRCT believes that religions should maintain and express a position of impartiality in religious discourses or in teachings of ethics. They should refrain from becoming involved in calls for political demonstrations because showing that they are on one or other political side during a period of social division may have a negative impact on the role of religion to reduce political conflict and on people’s faith in religion.

5.13 Recommendations Concerning the Distribution of the Final Report

The process of reconciliation is a matter relevant to all Thai people throughout the country and depends on the participation of all sectors of society. TRCT calls on the government and the media to present and distribute the TRCT Final Report as a disclosure of the facts about the conflict and violent incidents that have occurred as well as an explanation of the root causes of the incidents. The report contains recommendations on how to bring about reconciliation for people in all stake of society by creating a correct understanding of the incidents and of the conflict that has arisen and to know how to solve the problem. TRCT sees this understanding as an important element in creating an atmosphere conducive to finding a way to solve the conflict and eventually bring reconciliation to our country. TRCT believes that every society must go through periods of important social change. If Thai society can use the opportunity presented by this period of social change to build an understanding of the important and fundamental problems, and find a way to solve the problems together, this will not only enable Thai society to overcome the current conflict but will also make our society strong and enduring.

5.14 Implementing TRCT Recommendations

Recommendation	Urgent	Short-term	Long-term
Building an Enduring Reconciliation	The state and all parties should implement TRCT recommendations in a tangible and earnest manner giving consideration to the mutual benefit of all concerned parties and not choose to implement just those recommendations that benefit their own group.	The state must create a venue or channel for the people to communicate together and exchange opinions. Possible options might be public forums, a social network or public discussions.	The government promotes learning and understanding of the root causes of the conflict so as to find a way to come together to solve the basic problems as well as the problems inherent in our social structure.
	All parties must refrain from any action that would create conflict or destroy the atmosphere for reconciliation. This includes refraining from disseminating information that would incite hatred and violence.	All parties must be broad-minded and be able to listen to different opinions and respect each other's rights and freedoms. They must be able to compromise and reach agreements together as well as reduce the tendency to try to be the winner and look at problems just from their own point of view.	All parties focus on genuinely supporting the rule of law. The government and its agencies follow the rule of law in governing the country so as to solve the problem of conflict and build an enduring reconciliation for the country.
	All parties should not take facts that are disclosed by TRCT and elaborate on them in a way that would end in conflict or create arguments. Politicians must not use the political arena or political issues to incite hatred and division among the people.		

Recommendation	Urgent	Short-term	Long-term
	The state promotes the establishment of an impartial mechanism to support on-going and efficient reconciliation.		
Employing a Modified Form of Transitional Justice	The state arranges for offenders to be dealt with by the system of justice which must be fair, unbiased, and consistent in its application of the law. Agencies in the system of justice must respect the rights and freedoms of accused persons, defendants, and the injured. The state should study the principles of transitional justice and consensus-based justice and apply modified forms of them in conjunction with normal criminal justice procedures. The state should provide restoration to those unfairly dealt with in criminal proceedings and provide all necessary humanitarian assistance to them. All parties	The state provides restoration in a systematic and organized manner. It covers the various forms of damage in ways not limited to financial restitution. The state produces a record of events or builds a memorial to remind people about the violence that occurred, about the victims of the violence, and the injuries and damage that resulted from it. The state should help the people understand and appreciate the benefits of amnesty and forgiveness.	The utmost caution must be exercised in the passing of any amnesty law. Offences covered and conditions of the amnesty must be clearly established and detailing the specific actions by various people that would be covered under such amnesty. Further, all parties should be able to participate in making such decisions. The state should consider modifying existing laws to allow Thai courts to consider a case in the absence of the accused by establishing conditions which are strict and clear. And to consider modifying or repealing unjust laws.

Recommendation	Urgent	Short-term	Long-term
	should review their role and actions in the conflict that occurred and leaders of all involved parties should apologize to the public. This is particularly true for government leaders as the state was at fault in managing the conflict and allowed it to escalate into violence. They should also express their intention not to allow such violence to occur again. The state should not rush to apologize but should consider what is appropriate in terms of timing, situation, and method. The state should also help the people understand the truth about the violence that occurred and the causes for the conflict.		The state should consider the Rome Declaration on Constitutions by the International Criminal Court.
System of Justice and the Rule of Law	The state must promote a system of justice that is consistent in its application of the law, is impartial, and free from political influence. In addition, forensic science must be employed to obtain evidence	The state and the system of justice should lead society in choosing non-violent ways to manage conflict. These institutions should be careful not to become those which destroy the rule of law and	All parties must see the importance of establishing their role as one according to the rule of law and the democratic system.

Recommendation	Urgent	Short-term	Long-term
	which is objective, impartial, and complete. The state must follow the Basic Standards for Treatment of Accused Persons and Defendants in Criminal Cases and take into account the basic rights of these people. The state must investigate excessively strong accusations against groups making political demands. The judiciary must take great care to exercise their authority in an appropriate manner, within the framework of the law and in accordance with the rule of law, so that the exercise of their sovereign power is balanced.	neglect the rights of the people. The state should build confidence that agencies of the system of justice are performing their duties in an independent fashion, are impartial, and are not being manipulated by other agencies. The law must remain impartial by strictly following legal principles. The state must promote the building of mutual understanding about the rule of law. It must also support research into ways to maintain the rule of law in Thailand.	The state must provide opportunities for the people to access and distribute information about laws and draft laws. The people must be able to obtain broad and comprehensive information about laws. The state must reform the law and the system of justice to make it more systematic and efficient. This needs to be done in a manner which is transparent, allowing for accountability, and corresponding to the rule of law.

Recommendation	Urgent	Short-term	Long-term
Democracy, Good Governance, Respect for Human Rights	The state builds understanding among the people regarding the democratic system which may be understood differently by different people. Political groups, the military and the public must be committed to the democratic system. The problem of conflict must be solved peacefully using accepted methods within the system of democracy and by avoiding, not supporting, coup de'tats. The state must protect freedom of speech within the framework of the law. This includes not allowing individuals to be imprisoned for exercising their right to freedom of speech. The state must not use the law as a political tool to restrict access to information or an individual's right to express their opinions.	The state builds understanding of the basic principles of the democratic system, rights and freedoms enshrined in the constitution, and obligations between countries relating to the human rights of the people. The state promotes transparent and independent investigation of wrong-doing using mechanisms that are impartial and open to the public. The state must safeguard and guarantee the basic human rights and freedoms of the people including protection against violations against those rights. The state must create mechanisms for investigating judicial delays and making the application of the authority of state organizations more efficient.	The state applies the principles of good governance in running of the country. The state promotes democratic values in the family, educational institutions, and social organizations. The state promotes education in non-violent resolution of conflict. The state must operate in accordance with its international obligations which include safeguarding the human rights and freedoms of the people. The state should consider modifying or abandoning laws which unnecessarily impact on the rights and freedoms of the people including laws that conflict with the principles of human rights.

Recommendation	Urgent	Short-term	Long-term
Solving the Basic Problems of Thai Society	The state should adjust its paradigm and ways of work by stressing involvement of the public, civil society, and communities in state activities. State agencies need to adjust their attitude and provide more efficient service and equal treatment to members of the public.	Political groups should promote political parties that have a policy of social reform that stresses equality of the people and consider the benefit to the nation as a whole as their fundamental principle. The state should study the recent rise of various “public” political groups, their structure, and the development of links between them so that an appropriate way can be set for these groups to develop.	The state should initiate changes to the existing power structure to expedite development which is equal to that of the government sector. The state should reduce the role of centralized administration. It should decentralize authority to the communities and people. The state should reduce inequality of various forms, build a fair society, improve the quality of life of the people, develop quality education, and create mechanisms for equal access to justice.
Amending the Constitution	The state must not make any hurried amendments to the Constitution. The state must see the importance of involving the public in any amendments to the constitution.	The state builds understanding among the people about the Constitution, the system of justice and Constitutional amendments through public forums or discussion networks so that the public can consider the advantages and disadvantages	Any amendments to the Constitution in the future must be in accordance with the rule of law and the principle that the constitution is the highest law of the land. Amendments must be correct in principle and constitutional procedure.

Recommendation	Urgent	Short-term	Long-term
		that may result. The state should let the public know that it is the people's constitution.	Changes can be made to the existing constitution that are accepted as legitimate according to the democratic method.
The Institution of the Monarchy under the Constitution	All parties stop referring to the Monarchy for the purpose of obtaining political benefit and venerate the institution as being above political wrangling.	The political sector should establish a method for ensuring that the Monarchy is held above political conflict. Such method should be in accordance with the development of our system of democracy.	The state should support learning and understanding about the Monarchy and the role of the Monarchy in the democratic system. Also, promote creative and peaceful forums for the exchange of opinions.

Recommendation	Urgent	Short-term	Long-term
Laws Relating to Defamation of the Monarchy (Lèse Majesté Laws)	The agencies of the system of justice should avoid enforcing laws relating to defamation of the Monarchy using too broad an interpretation. Further, that they do not use criminal prosecution in an overly strict way, lacking direction, and not taking into account the sensitive nature of these cases. The state should promote the use of discretion by agencies in the system of justice involved in proceedings connected with cases of defamation of the Monarchy so that cases progress in a way appropriate to the nature of the offence.	The state should organize a procedural system which involves the participation of various groups or enables a variety of opinions so that a way can be found which is suitable to the modification of Lèse Majesté laws.	The state should adjust the current Lèse Majesté laws by first studying the criminal policies of other countries that have a monarchy so as to find a way to make the necessary changes. The agencies that enforce the Lèse Majesté laws should be integrated and carry out proceedings as a unit so that they can classify and screen relevant cases.

Recommendation	Urgent	Short-term	Long-term
The Role of the Media	The media must stop presenting news that aggravates or encourages hatred. The media must be careful in presenting information and must be accountable to the people by presenting news to the public that is factual, complete, and circumspect according to the ethical framework of their profession. The state must support mechanisms that safeguard against interference in and intimidation of the media. It also must not use closure of media offices or any type of influence over the media or any other measures that impact on the freedom of the press. The state must strictly enforce articles of the Constitution of the Kingdom of Thailand, especially those articles that prohibit holders of political office from owning or being a shareholder in media companies as this involves a conflict of interest.	The media should play a role in mitigating conflict within the country by being a forum for the public to exchange opinions. Professional media organizations perform the duty of investigating and taking action against professional wrong-doing. The state should inform the public about the rights, freedoms, and roles of the media and also about the media's responsibilities toward society and the people.	Media organizations should provide systematic training to their staff and stress professional ethics. They should create a manual or handbook on reporting on conflict situations and should develop guidelines for field reporters to follow when reporting news. The state must support the development of mechanisms for professional self-monitoring by the media. The state should make a law to protect the freedom of the media.

Recommendation	Urgent	Short-term	Long-term
The Role of the Military	The military and military leaders must be neutral and not become involved in politics, not carry out coup d'états, and not interfere in politics in any way. Social groups or political groups must not call on or support military intervention in politics. The government must refrain from using the military to solve problems connected with political conflict or public demonstrations.	The state must improve the system of controlling military weapons and make it more efficient. Also it must implement stringent measures to eliminate the problem of illegal weapons.	All parties must hold to the principle that security agencies are under the control of the government (civilian control) which derives its authority from the people. The state and the army must build a professional military and foster strict adherence to the democratic system, transparency, and accountability according to the principles of good governance. The state should consider appointing a military inspector or defence inspector of the cabinet. The military should have strict measures in place to discipline the behavior of soldiers who are out of line. The state should also amend the regulation on soldier discipline B.E. 2476 detailing punishment for soldiers at all levels.

Recommendation	Urgent	Short-term	Long-term
Demonstrations and the Rights of Protesters	Protesters must exercise their right to assembly in strict accordance with the framework of the law and must refrain from inciting hatred and violence. They must take into consideration the rights and freedoms of the public and other people that did not join in the demonstration. People who do not join in the demonstration must be patient with demonstrations that are conducted according to law. The state must guarantee freedom to demonstrate peacefully without weapons and ensure the safety of the protesters and the convenience of the public that have not joined the demonstration. Officials that must control public gatherings must proceed according to recognized international principles and respect the rights and freedoms of the people.	The state should promote the creation of benchmarks for non-violent assemblies or demonstrations and political movements. The state should exercise caution in applying security laws in managing unrest resulting from political demonstrations. The state should develop a strategic action plan for handling demonstrations and non-violent measures for controlling crowds.	If it is necessary to limit freedom of assembly, such as through laws concerning public assembly, these measures must be according to the constitution and in accordance with international human rights. A study of how other countries handle this issue and adjusting our procedures may lead to a suitable solution. The state should train personnel responsible for controlling crowds according to international conventions and teach them about human rights and non-violent conflict management.

Recommendation	Urgent	Short-term	Long-term
	The government must prepare sufficient good quality equipment to manage demonstrations.		
Protecting Doctors, Nurses, and Emergency Medical Personnel	All parties must protect and assist doctors, nurses, emergency medical personnel during situations of unrest.	The state must enforce laws covering the incorrect use of the Red Cross symbol.	The state promotes training for medical and public health personnel that will provide medical assistance during times of unrest.
	All parties must respect the symbol of the Red Cross and not use this symbol in incorrect ways.	Providing medical and public health assistance must be based on international principles of humanitarian assistance, be impartial and provided to all in accordance with the professional ethics of doctors and with respect to the principles of human rights.	The state should train police and crowd-control officials so that they understand the issue of protecting doctors, nurses, and emergency medical personnel including facilitating the provision of medical assistance.
	There should be coordination and discussion between all parties so that all agree that if a situation of unrest occurs what symbols will be used, what has been agreed about the use of these symbols, and how will such activities be coordinated.	The state must build confidence in the impartiality of doctors and encourage all to understand that causing harm to doctors is not acceptable.	The state should provide social benefits, restoration, and rehabilitation to medical personnel, nurses, and emergency medical personnel after they have carried out their duties.
	The state should organize personnel to protect doctors, nurses, and emergency medical personnel that are working in areas where there is risk.		The state should promote the role of military medical staff and establish clearly the role of such staff.

Recommendation	Urgent	Short-term	Long-term
Religion	All parties should give importance to restoring the principles of morality and proper behavior as well as support the role of religion in reducing conflict and stopping violence.	Religious groups and individuals should increase their role in reducing division, promoting peace, and solving social conflict in a peaceful manner. The institution of religion should maintain impartiality and express its impartiality when delivering religious sermons or teaching about proper conduct. It should also refrain from involvement in demonstrations by political groups making demands.	
Distribution of the Final Report	The state and mass media should present and disseminate the Final Report of TRCT to the public so that it becomes widely known.		

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