

Emergency Decree in the Deep south of Thailand and A New Government

On 10th September 2011 at 13.00 pm At CS Hotel, Pattani.

1. Background

Prime Minister Thaksin Shinawatra's government has enforced the Emergency Decree as a tool for the unrest in the three southern border provinces of Thailand since 2005 until now. There were changes of government, all of which relentless continued to enforce the Emergency Decree in the deep south.

The six consecutive years of enforcement has drawn heavy criticism over its propriety and the impact on civilians and communities. The continuing rise in the incidence resulted from the insurgency delineated a series of unmitigated problems which could not yet be solved under the enforcement of such draconian laws.

From the statistics provided by the Southern Border Police Operation Center, from January 2004-August 2011, there were at least 12,167 incidents reported. During August 2011 alone, 53 people died. Statistics shows a sharp increase in the number of incidents in year 2007 resulted in the highest death toll of 4,771 which included 274 policemen, 331 soldiers, 4,166 citizens while at least 8,512 people reported injured. At the same year, 8,000 security-related cases had been brought to court. The Court of first instance ruled 262 cases, and dismissed 119 cases which were accounted for 45.42 percent of the total. The percentage of dismissal case is as high as the successful ones. The corollary has brought in more questions which has undermined the credible of the Thai justice system.

Until date, the government has extended the enforcement of Emergency Decree for 25 times while there has been no substantially report for the declining of incident number. The next official extension date for the Decree will be on this coming 19 September, 2011. It will be a vital opportunity for the civil society to discuss whether the Emergency Decree is the best measure to cope with the situation sustained by the concept of the rule of law.

Cross Cultural Foundation and the Muslim Attorney Center Foundation¹ are organizing a forum for the local activists, law academicians and interested public to rethink about the success and failure of the enforcement and the actual implementation of the Emergency Decree. At this event, all participants are encouraged to exchange ideas and give recommendations with the local authorities and state officials.

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The Konrad Adenauer Stiftung, Cross Cultural Foundation and Muslim Attorney Center in partnership works on a two-year program that seeks to provide free legal aid and tangible assistance for indigents and other vulnerable groups in the Deep-South of Thailand. The initiative aims to be a significant step towards enhanced practice of justice and future reconciliation in the Deep-South. The project, funded by *the European Union* under “Programme: Non State Actors in Development”, will be implemented in four provinces located in the Deep-South of Thailand: Yala, Pattani, Narathiwat and Songkla.

Key activities include: Free legal service to indigent victims of human rights and strategic litigation, Case meeting for lawyers and human rights law experts, Capacity building trainings for Lawyers and Paralegals, Law student program, Public seminars targeting at local authorities, security forces, decision-makers and judicial officers, Research and case study on the need for free public defender service, Promotion of prosecutor and judges role in solving conflict situation, Formulating policy options to authorities.

The project expects to achieve the following results:

- Enhanced capacities of local organizations practicing law to provide legal aid assistance and free services to vulnerable groups of society.
- Strengthened capacities of community initiatives in order to enhance the compliance of local authorities and security forces with national law and international human rights standards.
- Improved knowledge and policy development capacities of local authorities and decision makers to trigger a process of a sustainable judicial reform.

2. Objectives;

2.1 Providing a forum for the public to discuss about the failures and successes of implementation of the Emergency Decree, share ideas from the deep south.

2.2 Examining the problem of enforcement of the Emergency Decree and recommendations to the new government to prevent the violations on human rights of enforcement of the special laws.

2.3 Reviewing of the regulations under the special law to improve the policy with respect to the rule of law and human rights.

2.4 Seeking the co-operation between the government, people and the civil society in order to protect the rights of people and guarantee people to be treated equally.

3. Target

People in the deep south of Thailand /Civil society/Lawyers and paralegal. Total of 50 people.

4. Expecting Results

4.1 The participants rethink about the failures and successes of implementation of the Emergency Decree, share ideas from the deepsouth and give recommendations to the government to prevent the violations on human rights of enforcement of the special law.

4.2 The government is aware of the problem and the impact of the enforcement of the Emergency Decree, finds the appropriate solution for the people in the deep south.

4.3 To improve the regulations under the special law which violate the rule of law and human rights.

Agenda

“Emergency Decree in the Deep south of Thailand and A New Government”

On 10 September 2554 at 13.00 pm

At CS Hotel Pattani.

13.00 Opening and introduction to the enforcement of the special law in the deep south.

Speaker: Mr. Sittipong Jantaraviroj, Muslim Attorney Center Foundation.

13.30 Topic: Emergency Decree in the Deep south of Thailand and A New Government

Speaker: Ms.Rungrawee Chalermripinyorat, International Crisis Group\

Mr.Anukul Awareputeh, Muslim Attorney Center Foundation, Pattani.

Mr. Abdulaziz Tadaein, Young Muslim Association of Thailand.

Peace Media**.

Mr. Navapol Lanin, Kampongsurenæ Group

Moderator: Ms.Nuannoï Thammasatein

(Coffee/Tea Break in the session).

15:30 Q & A

16.30 Summary and closing discussion.

***** the discussion is conducting in Thai language



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The European Union Delegation to Thailand
KianGwan House II 19th Floor, 140/1 Wireless Road, Bangkok 10330, Thailand



A project is implemented by the contractor

Konrad-Adenauer-Stiftung e.V.
Head Office Germany,
Klingelhöferstr 23,10785 Berlin, Germany



Local Implementor/Partner:

Cross Cultural Foundation
111 Soi Sitthichon
Suthisarnwinichai Rd.
Samsennok Huaykwang
Bangkok Thailand 10320



มูลนิธิศูนย์ทนายความมุสลิม
MUSLIM ATTORNEY CENTRE FOUNDATION

Local Implementor/Partner:

Muslim Attorney Center
119/83 Saipanich Payang Road,
Amphur Muang, Yala

The European Commission is the EU's executive body.

“The European Union is made up of 27 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders”.