



### Open Letter No. 3

15 June 2012

**Subject** Review of the renewal of Emergency Decree in the Southern Border Provinces urged

**Attention** HE the Prime Minister

**CC:** 1. Secretary General of National Security Council (NSC)

2. House Speaker

3. President of the Senate

**Attachments** 1. Open Letter no.1 “Renewal of the Emergency Decree Should be Reviewed” dated 14 September 2011  
2. Open Letter no.2 “Renewal of the Emergency Decree Should be Reviewed” dated 12 March 2012

On 13 March 2012, the cabinet endorsed the renewal of the enforcement of the Emergency Decree for three months in the three Southern Border Provinces including Pattani, Yala and Narathiwat. The 27<sup>th</sup> renewal shall be effective from 20 March to 19 June 2012.

The Cross Cultural Foundation (CrCF) and Muslim Attorney Centre Foundation (MAC) would like to bring to the attention of the Prime Minister the information and opinion stated in Open Letter No. 1 and 2 dated 14 September 2011 and 12 March 2012, respectively. In the two letter, you are asked to review the impact of the renewal of the Emergency Decree, prior to endorsing its another renewal for three months, as the law has been effective in the Southern Border Provinces for eight years in a row. An objection to the renewal of the law has been stated including the following;

1. On 1 May 2012, General Yutthasak Sasiprabha, Deputy PM, was appointed by the cabinet as the Chairperson of the Committee to Mobilize Policy and Strategy to Solve Problems in the Southern Border Provinces. On 17 May 2012, a workshop was convened by the Chairperson among high ranking officers from 17 concerned Ministries and 66 agencies including agencies at the policy level working on administration in the Southern Border Provinces such as the National Security Council (NSC), the Southern Border Provinces Administrative Center (SBPAC) and the Internal Security Operations Command (ISOC). An agreement has been reached among the executive officers to implement nine point integrated policy set out by SBPAC with an emphasis on development and the six point strategy of ISOC to ensure security under the 2012-2015 Strategic Framework to Solve Problems in the Southern Border Provinces proposed by NSC.

2. Evidence based information has been obtained by both Foundations that SBPAC has been

implementing policy to enhance development through nurturing understanding and minimizing causes of conflict. Access to remedies has been made available to people who have been affected by the unrest including those affected by the enforcement of special laws. Some have been subjected to human rights abuse while being held in custody invoking the special laws including torture, enforced disappearance, unlawful detention, and extrajudicial killing. That the persons held in custody have been subsequently released and have not been prosecuted reflects the impact of the enforcement of special laws including the infringement on the right to freedom and security. In addition, the Foundations have found that insofar SBPAC has initiated the revision of local ordinances, rules and regulations which are inappropriate to the cultural identity of the local Muslim sisters and brothers. By the virtue of such revision, their identity has been recognized on par with provisions in the Constitution and international standards, and that has paved the way for bigger public space to dialogue for peace.

3. As for plans to ensure security, the Foundations have found that both governmental officials and civilians have still be victims of violence and the loss of life and damage of property has continued unabated. Meanwhile, the preemptive measures and the suppression methods based on invoking law to arrest and hold in custody suspects have led to restriction of people's rights and freedom as well as infringement on the right to justice process including access to lawyer and relatives and a lack of transparency during the inquiries.

4. The arrest and holding in custody of students and activists in the province of Yala in May 2012 has prompted student groups to demand an explanation from security agencies since those students and activists detained had been working actively to demand a lift of the Emergency Decree. They deem that the law bears impact on people's daily life and leads to restriction of rights and freedom and is not effective in addressing the unrest. The arrest and detention simply sends out ripples of intimidation among local people who are active in demanding a lift of the special law which causes infringement of people's rights. Lately, the student groups have led a nonviolent action to submit and letter of petition to representatives of Organization of Islamic Conference (OIC) urging them to negotiate with the Royal Thai Government in order to review the enforcement of Emergency Decree. The OIC representatives have promptly expressed their concern upon receiving the letter and expressed their similar concern to the RTG concerning impact of the enforcement of Emergency Decree which has led to complaints of human rights abuse. They have also shared their views and recommendations to through the press urging the Thai authorities to review the enforcement of the Emergency Decree and to resort to solutions based on nonviolence and development.

5. The Foundations have found that the implementation of policy by SBPAC and ISOC continues to lack congruency with the restriction of right to freedom and right to justice process as a result of the enforcement of Emergency Decree. That shall simply minimize the chance to establish peace in the Southern Border Provinces.

Therefore, the Cross Cultural Foundation (CrCF) and Muslim Attorney Centre Foundation (MAC) would like to urge the government to experiment with the three month moratorium of the Emergency Decree in order to allow the administrative agencies including SBPAC to carry out their activities based on the strategy to enhance development and peace through nonviolence. The information obtained shall be useful to review the necessity of the enforcement of the Emergency Decree. In addition, it shall help to increase confidence in a sustainable

and stable ASEAN community and help to set out cooperation framework to address security issues faced by both the states and people in ASEAN in the near future.

Thank you very much.

Yours sincerely,

(Ms. Pornpen Khongkachonkiet)

(Mr.Kitcha Ali-ishoh)

Cross Cultural Foundation (CrCF), Director

Muslim Attorney Centre Foundation (MAC), Secretary