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Pornpen Khongkachonkiet: Situation in the South and Discrimination in the Justice System

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During 18 - 22 July 2007, Pornpen Khongkachonkiet then from the Working Group on Justice for Peace spoke at the training session for NGOs working on ethnic and human rights issues in the North. She related her experience in the past year as part of the Working Group on Justice for Peace which has shed light on discrimination that still exists in the justice system there.

We believe that there is still discrimination in the justice system toward people living in the three border provinces in the South. Abuse of power and discrimination in law stem from an attitude that holds that these people are terrorists and secessionists. This is a myth that the Thai state clings to and people in the three Southern provinces are treated as if they were all attempting to secede. This attitude is similar to the one toward ethnic people who are perceived as the prime factor for deforestation and drug trafficking. Our brothers and sisters in the South are similarly viewed as secessionists.

We have to admit that there are certain groups which really want to secede. They are ready to use violence to create social breakdown in Thai society. And there are people who have been affected by violent actions, committed either by the state or by people in their community. The clash of secessionist groups and the right wing state has led to escalating violence in the South.

What I am going to tell is based on my one year of work in the South as part of the Working Group on Justice for Peace which works to promote justice.



The pictures you see here are those who have disappeared during 2002-2005. The last disappearance happened in 2005. Rumour has it that around 100-200 people have disappeared and according to our information, the number sounds credible. Cases of disappearance filed with the state are around 20. This will be much lower than the actual number since villagers have no trust and confidence in state mechanisms. Thus, there are just 23 official complaints concerning disappearance. Many people have disappeared after illegal

detention and arrest; several have simply been abducted, taken somewhere and then disappeared. Word of mouth reports of around 100-200 disappearances are quite credible.



Families of the disappeared in the South

At present, there are 23 official complaints of disappearances. None of the cases has advanced in the investigation or prosecution process.

These are pictures of families of the disappeared from which we have received complaints. Some of them have received some relief measures. But they have no access to the justice system. In a normal case, when someone we know disappears, we file a complaint with the police and they initiate an investigation. But in disappearance cases in the South, there is usually no progress for different reasons. Firstly, most police are reluctant to accept complaints. Secondly, even though families insist on filing the complaints with the police, the chance is that the police will initiate no further action. If their investigation leads to substantial information, they will simply stop there and decide to dismiss the case. Only one case, the disappearance of Mr. Somchai Neelapaijit, a prominent lawyer, reached the public prosecutors.

Families of the disappeared have to live in fear. Their psychological state differs from that of families of people who have lost their lives, since the families of the disappeared have no clue as to where their loved ones, their brothers or sisters, or their sons or daughters, have gone. Their minds are preoccupied with concern and worry and this could make them suffer even more than other affected families.

This picture shows another instance of discrimination in the justice system toward people in the three Southern provinces.



The picture was taken during the Tak Bai massacre which took place in October 2004, or two and a half years ago. Court hearings are proceeding on the deaths that occurred during the detention by the officers. The process should lead to information as to who was slain, who was involved.

The case is obviously the result of improper action by state officers and it does not make much sense for the court to take more than two years to hear the case. I have many other photos, video and still, showing how the military shot into the crowd; and pictures during the transportation of detainees that resulted in 78 deaths. The judicial process in all these cases has been moving very slowly. More than two years later, there has been little progress; the most severe repercussion was the transfer of the Commander of Army Region 4.

All this constitutes the chief reason for perpetrators in the South to justify their cause and to mobilize people during their operations in Thailand. According to various parties, including government officers, academics and activists on Southern issues, as long as the Tak Bai case is not solved, the situation in the South will never change. It will always serve as a reason supporting the cause of the perpetrators. Some old grievances may not resonate in many localities among the new generation, but these new unresolved issues might win their hearts. They can be used to convince and mobilize people. Now, an increasing number of arrest orders have been issued in response to the recent surge in operations by the perpetrators, but violent events still take place on a daily basis and there is no sign that they will stop.



Graveyards of unclaimed dead



Tong Tek Siang Tung Foundation, Pattani province

In relation to the disappearances, these are pictures of unclaimed corpses posted at the Tong Tek Siang Tung Foundation, Pattani province. A Chinese charity, the Foundation sponsors the burial of those who die with no known relatives. These pictures were taken in 2004, and in the following years, 2005 and 2006, around 300 burials were reported each year.

Recently, the Foundation arranged to exhume some corpses and bury new ones. The graveyard was founded only in 2004. So that means in the past couple of years, the number of people who died unclaimed and were buried here was quite high. This coincides with an increase of complaints made by the villagers about the disappearance or death of family members. When attempts at exhumation were made in order to match the DNA of the corpses with the missing persons, there was strong opposition. Some tried to prevent investigation into the identity of the corpses. Then it was reported that these were corpses of migrant workers, including Cambodians and Burmese. This simply compounds confusion in the area. Hun Sen, the Cambodian Prime Minister, asked "Well, (if the news is correct) why did the Thai authorities do nothing to prevent the loss of life of so many migrant workers, 300 lives per year in just one province?". Details are scarce as the police have strongly blocked the disclosure of information from the Foundation.

In sum, many factors have led to the presumption of many irregularities in the area and many of the illegal actions have probably been committed by government officers. Legal enforcement is weak here and a lack of rule of law is the norm. And among officers, the lives of either migrant workers or secessionist Muslims carry so little meaning. Even though there are attempts to prove the identity of the corpses, they are strongly opposed.

Translated by Pipob Udomittipong

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