

Thailand: Political Turmoil and the Southern Insurgency

I. OVERVIEW

The government of Thai Prime Minister Samak Sundaravej is struggling for political survival and has handed the military full responsibility for tackling the violent insurgency in the Muslim-dominated Deep South, which has claimed more than 3,000 lives in the past four years. The military has restructured its operations and has made headway in reducing the number of militant attacks, but temporary military advances, though welcome, do nothing to defuse the underlying grievances of the Malay Muslim minority. For that to happen, the otherwise preoccupied government needs to find the will and energy to undertake a serious policy initiative.

The political turmoil in Bangkok continues to distract attention from the violence in the South. Samak's government is threatened on several fronts. Three parties in the coalition, including his own People Power Party (PPP), face dissolution on charges of electoral fraud. The government's efforts to amend the constitution to avoid this threat led to mass demonstrations organised by the People's Alliance for Democracy, whose campaigns in 2006 led to the coup that ousted Samak's patron, Thaksin Shinawatra. Three of Samak's ministers were forced to resign between May and July 2008, including Foreign Minister Noppadon Patama, who left office in the face of nationalist anger whipped up by anti-government forces over a border dispute with Cambodia.

Against this backdrop, the military has been left to lead operations in the Deep South and has made some progress in reducing violent attacks in the first half of the year. But the insurgents, well-established and hardened, are far from being defeated, and the advances come at a price. The "sweeping operations" since June 2007 have involved the indiscriminate detention of thousands of suspected insurgents and sympathisers, and there are credible reports of torture of detainees. The case of an imam beaten to death in military custody in March 2008 attracted severe condemnation from human rights advocates. There has

been little progress on holding security personnel accountable for notorious past abuses.

Ending the violence in the Deep South requires more than a military response. Now, with the insurgents on the defensive, is a good time to take decisive steps to address the root causes of the conflict. The political deadlock in Bangkok, however, makes it unlikely that the government will be able to turn its attention to the Deep South any time soon. The longer this is put off, the harder it will become to contain, let alone resolve the conflict.

The insurgency's lack of a declared political leadership or platform is a major obstacle in the search for a negotiated settlement. Nonetheless, there is much that the government could do unilaterally to address Malay grievances in the realms of education, justice, language, history and economy. But this requires a rethinking on the part of the predominantly Buddhist state, which needs to recognise the distinct ethnic identity of Malay Muslims and find ways of allowing them to be Thai citizens without having to compromise their cultural differences.

In particular, the government should:

- ❑ appoint a deputy prime minister to take charge of the effort to cope with southern violence, instead of allowing the military to lead on the issue;
- ❑ empower the Southern Border Provinces Administrative Centre (SBPAC) by expediting the enactment of a law to govern its operations and to make it independent from the military-controlled Internal Security Operations Command;
- ❑ revoke martial law, amend the emergency decree and the internal security act to increase accountability of the security forces, and allow detainees prompt access to lawyers and family;
- ❑ ensure accountability for past human rights abuses, such as the deaths of nearly 200 Muslims in the 2004 Tak Bai and Krue Se incidents – the single most effective way to rebuild trust with Malay Muslims;

- make clear it is ready to negotiate seriously with genuine leaders of the insurgency, but make it a condition of the negotiations that their interlocutors demonstrate they genuinely control insurgents on the ground; and
- give serious consideration to ways of granting some degree of self-rule, or decentralisation of power, to help end the conflict.

II. POLITICAL CRISIS

Following the September 2006 coup, the military-installed government of Surayud Chulanont pledged to make its top priorities reconciliation in the country and the southern insurgency.¹ By the time it relinquished power to an elected government in February 2008, it was clear that it had failed to make real progress on either front. Despite some positive steps, including an apology to the people of the South for the injustices they had suffered and a reorganisation of governance and security structures, the security situation in the South deteriorated in 2007. And the massive victory in the December 2007 election for the very political forces the coup had overthrown returned the country to its former political stalemate.

A. PRO- AND CONTRA-THAKSIN

A political scientist described the political crisis as rooted in “a deep-seated and irreconcilable conflict between the older, more traditional Thailand and a new Thailand, a tussle between establishment forces revolving around the bureaucracy, military and monarchy on the one hand and Thaksin Shinawatra and his crew on the other”.² Thaksin, a media tycoon turned politician who ruled the country between 2001 and 2006, tapped into the widening gap between the rural poor and better-off city dwellers. His controver-

sial populist platform – including low-cost health care and housing, debt suspension for farmers and village development funds – earned him loyalty in the countryside but hostility from urban middle-class voters who resent “the tyranny of the rural majority”. This “tale of two democracies”, rural versus urban, shapes present-day Thai politics.³

Critics of Thaksin focused on his autocratic leadership style, his capitalist-populist economic policy, his clumsy interference in security operations in the Deep South and the blurring of the boundaries between public policy and private business interests. They took heart from signs of tension between King Bhumibol Adulyadej and the *nouveau riche* Thaksin.⁴ In the face of mass protests starting in January 2006, Thaksin called a snap election, which was boycotted by three political parties and later annulled. Further street demonstrations culminated in a bloodless military coup on 19 September 2006, whose leaders accused him of corruption, undermining checks and balances, insulting the king and polarising politics.

Thaksin continued to fight from self-imposed exile in the UK against the coup leaders’ attempt to remove him from politics. His Thai Rak Thai Party was dissolved by the Constitutional Court in May 2007 for violating the election law, and 111 party executives, including Thaksin, were barred from political office for five years. Other Thai Rak Thai members, however, set up the People Power Party (PPP). Despite frantic efforts by establishment forces, the PPP captured 233 of 480 seats in parliament in the December 2007 general election and formed a six-party coalition government, leaving the Democrat Party – its nearest rival – as the sole opposition. Samak, a 73-year-old politician known as a right-wing political bruiser, became prime minister.⁵ He is widely considered a stand-in for Thaksin, who returned to Bangkok in February 2008 but jumped bail – he faces charges of corruption and abuse of power – and fled again to London in August.

¹This policy briefing examines developments in the Deep South since the December 2007 election and the impact of national politics on policies towards the region. The research was conducted in Bangkok and the South between March and August 2008. Earlier Crisis Group publications include: Asia Reports N°98, *Southern Thailand: Insurgency Not Jihad*, 18 May 2005; N°105, *Thailand’s Emergency Decree: No Solution*, 18 November 2005; N°129, *Southern Thailand: The Impact of the Coup*, 15 March 2007; and N°140, *Southern Thailand: The Problem with Paramilitaries*, 23 October 2007.

²Thitinan Pongsudhirak, “Thailand’s Transformation”, paper presented at Institute of South East Asian Studies’ Regional Outlook conference, Singapore, 8 January 2008.

³Kasian Tejapira, “Toppling Thaksin”, *New Left Review*, no. 39, May-June 2006, pp. 14-15. Also see Anek Laothamatas, “A Tale of Two Democracies: Conflicting Perceptions of Elections and Democracy in Thailand”, in R.H. Taylor (ed.), *The Politics of Elections in Southeast Asia* (New York, 1996).

⁴Kasian Tejapira, “Toppling Thaksin”, op. cit., pp. 32, 35.

⁵Samak, once governor of Bangkok, was best known as a staunch denouncer of left-leaning student activists in the 1970s. His anti-communist rhetoric on radio and at rallies helped stoke sentiment that led to the lynching of students on 6 October 1976. Official records states that 46 people were killed. The number of dead has not been verified, as the massacre remains a taboo subject in Thailand.

B. RETURN OF DEMOCRATIC GOVERNMENT

The coup leaders' main tool for preventing a recurrence of the populist Thaksin regime was a new constitution, drafted by a military-appointed assembly. A deliberate antithesis of the reformist 1997 constitution, it sets out to weaken executive powers and the political parties, while increasing the representation of non-elected elites in political institutions. It features a half-appointed senate – 74 appointed and 76 elected senators – as opposed to the fully elected upper house in the 1997 constitution. It grants more power to independent institutions, such as the National Counter-Corruption Commission and the Constitutional Court, and to the judiciary at the expense of elected politicians.⁶

The Samak government looks increasingly unlikely to complete its four-year term. Three parties in the coalition, including the PPP, face charges of electoral fraud, which under the new constitution can lead to their dissolution, while party executives could face a five-year ban on holding political office.⁷ The government's attempt to amend the constitution to remove this provision (and also help rescue Thaksin from the charges he faces) sparked mass protests, led by the People's Alliance for Democracy (PAD), whose 2006 rallies provided a pretext for the coup.

The proposed amendment submitted to parliament by 164 pro-government parliamentarians in May 2008 would have annulled coup leaders' orders that contradict the constitution. This would nullify establishment of the Assets Examination Committee, which investigated corruption in the Thaksin administration, and void the charges it brought. The PAD's campaign stopped the initiative, but Samak seems likely to push for it again.⁸ Meanwhile, the PAD has escalated its demands, calling for the Samak government, which it describes as Thaksin's "puppet", to step down.

Samak's troubles have been compounded by the forced resignations of three cabinet ministers. Jakrapob Penkair, a minister in the prime minister's office, quit on 30 May after being accused of *lèse majesté* – a

charge often used to destroy political enemies.⁹ On 9 July, the Constitutional Court disqualified Health Minister Chaiya Sasomsab, because he failed to inform the National Counter-Corruption Commission that his wife held more than 5 per cent of shares in a private firm.¹⁰ The next day, Foreign Minister Noppadon Patama, Thaksin's former lawyer, resigned over his handling of a border dispute with Cambodia. With anti-government forces whipping up nationalist fury over the dispute, the Constitutional Court ruled that he should have sought parliamentary approval before signing a joint declaration – which the court said amounted to an international treaty – supporting Cambodia's bid to get the disputed Preah Vihear Temple listed as a World Heritage Site.¹¹

The National Counter-Corruption Commission is scheduled to decide as early as September if it will investigate the entire cabinet on a charge of violating the constitution by endorsing the joint declaration. Under the constitution, the cabinet would be suspended as soon as the commission begins its investigation. It is not clear how the resulting political vacuum would be dealt with. It could mean new elections.¹²

⁶Thitinan Pongsudhirak, "Thailand's Transformation", op. cit.

⁷Article 237 of the 2007 constitution stipulates that if its leaders are complicit in acts that undermine the fairness and legitimacy of an election, a party can be dissolved by the Constitutional Court. Chart Thai and Matchima Thipataya Party are also threatened with dissolution after their executives were disqualified from parliament for vote buying.

⁸See "Bill rewrite may finish PPP", *Bangkok Post*, 13 July 2008.

⁹"เปิดคำต่อคำ 'จักรภพ' ชัด ปชป.-พันธมิตรฯทำตัวเป็นพระเจ้า แฉคนในรบ.แห่ร่วมฝ่ายตรงข้าม", มติชนออนไลน์, 30 พฤษภาคม 2551 ["Word by word: Jakrapob charges Democrats and PAD act as if they are god, reveals government coalition partners join opposition", *Matichon Online*, 30 May 2008]. The charge relates to a speech at the Foreign Correspondents Club of Thailand on 29 August 2007, delivered by Jakrapob, a former spokesman in the Thaksin government, at a time when he was leading demonstrations against the coup leaders. In it, he suggested there was a clash between democracy and Thailand's patronage system, under which the king is the most prominent patron. A police complaint, filed by a royalist police officer several months after the speech, was apparently intended to damage the government. Jakrapob said that he resigned "to save the ship" and prevent the issue being used to justify another coup.

¹⁰"ศาลรธน.ฟันไชยาพ้นรมต.สข.ไม่แจ้งมีชื้อหุ้นเกิน 5%" ประชาชาติธุรกิจ 9 กรกฎาคม 2551 ["Constitutional Court rules Chaiya disqualified as health minister, failed to notify his wife's possession of five per cent of shares", *Prachachart Thurakit*, 9 July 2008].

¹¹"นพดลอ้างออกเพื่อสปิริต 'ไม่ได้ทำผิด' มติชนรายวัน 11 กรกฎาคม 2551 ["Noppadon claims he resigns to show spirit, insisting he is not guilty", *Matichon Daily*, 11 July 2008]. Thailand and Cambodia have long disputed sovereignty over the temple; in 1962, the International Court of Justice gave it to Cambodia. A 4.6-square-kilometre area around it remains disputed. The PAD and the Democrat Party accused the government of "selling out the country", saying that the support for the listing undermined Thailand's position.

¹²"Will Thai government last longer without Thaksin?", Reuters, 11 August 2008.

At least three other ministers, including the finance minister, face charges connected with their former membership of the Thaksin government and may have to resign if the Constitutional Court rules that they should be suspended during the trial.¹³ Samak reshuffled the cabinet in early August but was unable to bring in many new faces, reflecting the limited talent pool in the coalition. He admitted his team was an “ugly” cabinet, because, he argued, the more qualified candidates were among the 111 former Thai Rak Thai politicians barred from office.¹⁴

The coalition also shows signs of splintering. Suwit Khunkitti, leader of the 24-seat Phua Paendin Party, announced its withdrawal from the government on 29 July, accusing it of attaching more importance to political survival than to people’s grievances.¹⁵ But some Phua Paendin members refused to follow his decision, saying he had not sought the party’s agreement. Such disputes are not uncommon: parties consist of several factions, which frequently change party allegiances, leading to political instability.¹⁶

In the face of this uncertainty, Samak is forging good ties with Army Commander-in-Chief General Anupong Paochinda, as a means to strengthen his grip on power. One of the coup’s key architects, Anupong might have been expected to enjoy a poor relationship with Thaksin’s front man. But he accompanied Samak on his introductory trips to neighbouring countries, and the March 2008 military reshuffle saw senior officers close to him appointed to lead key units.¹⁷ Where the military had complained about interference by the Thaksin government in operations against separatists in the Deep South, Samak has given it a free hand. The military has denied widespread rumours it is planning another coup. An army spokesman quoted Anupong as saying in June 2008 that “there will be no coup and no use of military force with the people under the current situation....The country’s problems

need to be solved within the system and under the constitution”.¹⁸

The conflict between the pro-Thaksin forces and the old establishment seems unending, with the judiciary playing a key role in hampering the elected government. The pending case of party dissolution, which will take several months to complete, is a major threat to the government.¹⁹ Party dissolution is something of an illusion, because the members can form a new party the next day, as happened after Thaksin’s Thai Rak Thai Party was dissolved in 2007. The more serious effect is the five-year ban imposed on party executives. There is a speculation that Samak will amend the constitution before dissolving parliament and seeking a new electoral mandate. But new elections are unlikely to change the political balance. There is no reason to think the PPP, or an alternative front party for Thai Rak Thai, would gain fewer than the 233 seats they won in December 2007, when the coup leaders and the establishment devoted considerable energy to preventing their return to power. Thaksin’s return to self-imposed exile in London in mid-August 2008 may help ease tensions between the government and the palace, but he and his allies will try to continue to wield power through proxies as long as they are formally excluded from political life.

As long as Bangkok is unable to resolve its political divisions, it is unlikely that the South will receive serious attention from the central government. Public focus on the insurgency has also declined. Most Thais are more concerned with immediate troubles, such as rising fuel prices and inflation. The atrocities in the South, which in the years immediately following the renewal of violence in 2004 caused such outrage, are now seen as almost routine. Media attention has diminished. The Thai public is largely unsympathetic to the grievances of ethnic Malay Muslims, and there is little political mileage in championing their cause.

¹³The Supreme Court ruled that it will hear a case concerning the lottery. The entire Thaksin cabinet is accused, including current Finance Minister Surapong Suebwonglee, Deputy Transport Minister Anurak Jureemart and Labour Minister Uraivan Thienthong. The three have requested the Constitutional Court to rule on whether they have to be suspended from their duties while being prosecuted in a case related to their previous ministerial positions.

¹⁴Prime Minister Samak Sundaravej’s speech in a no-confident debate broadcasted live on Channel 11 on 25 June 2008.

¹⁵“สุวิทย์ฉุนน้ำเพื่อแผ่นดินทิ้งรบ. ถูกยึด ‘เก้าอี้’ มติชนรายวัน, 30 กรกฎาคม 2551 [“Suwit angry at being sacked, withdraws his party from government”, *Matichon Daily*, 30 July 2008].

¹⁶See Kasian Tejapira, “Toppling Thaksin”, op. cit., pp. 15-17.

¹⁷Saritdet Marukat, “PM keeps armed forces happy on his side”, *Bangkok Post*, 22 March 2008, p. 9.

¹⁸“จ.ซีพี้นชมิตรทำรถติดหนักบนสะพานปิ่นเกล้า-พระราม8”

ร.ว.ศช.วอนเปิดทางให้จร.จรก.” มติชนออนไลน์, 3 มิถุนายน 2551 [“Traffic police says PAD causes heavy traffic on Pinkhao and Rama IIX bridges, Education Minister urges it to open roads for students and officials”, *Matichon Online*, 3 June 2008].

¹⁹See “Bill rewrite may finish PPP”, *Bangkok Post*, 13 July 2008.

III. THE SOUTH SINCE THE ELECTION

Thailand has faced secessionist movements since it annexed the independent sultanate of Patani in 1902.²⁰ The religious, racial and linguistic differences between the minority Malay Muslims and the Buddhist majority in Thailand have led to a deep sense of alienation. Speaking a Malay dialect as their first language, the Malay Muslims feel that they are treated as second-class citizens by Thai officials and deprived of educational and employment opportunities. In the past, officials working in the Deep South were largely second-rate or sent there as a punishment. Malay Muslims have harboured resentment against security forces for past and continuing human rights abuses, including extrajudicial killings and forced disappearances.

The region, whose economy is largely based on rubber plantations and fisheries, has been at the margins of Thailand's development for several decades. Residents in the Deep South are among the poorest in the country. In 2006, per capita income in the three provinces was between 51,484 and 69,244 Baht (\$1,502 and \$2,022), compared with 319,322 Baht (\$9,321) in Bangkok.²¹

The latest conflict, since 2004, was in part a consequence of government mishandling. Thaksin's abolition of key conflict-management structures, the abuses committed during his "war on drugs" and his generally heavy-handed and insensitive approach towards the South were factors in the resurgence of violence. Two notorious incidents in 2004 – the Krue Se and Tak Bai incidents – resulted in the death of 191 people and attracted widespread international condemnation.

Bangkok insists that the insurgency is home-grown and that there is no involvement of foreign Muslim extremists. Indeed, there is little convincing evidence of assistance from jihadist groups such as al-Qaeda or Jemaah Islamiyah (JI). Many analysts, and Crisis Group's previous reports, argue that the insurgency is primarily driven by historical and political grievances and not by global Islamist aspirations. However, the longer the government fails to bring about a settlement of the conflict, the greater the risk of foreign

Muslim extremists getting involved. Interest in the Pattani conflict is growing among jihadi groups in Malaysia and Indonesia.²² Two Malaysians were arrested in Narathiwat on 28 June 2008 while attempting to steal a motorcycle.²³ One of the Malaysians told Crisis Group that they had come to "help our Muslim brothers fight Siamese soldiers" and had hoped to ambush a military patrol. He had wished to wage jihad and had chosen Thailand as it was the closest destination. However, he said, they had not succeeded in establishing contact with the insurgents.²⁴

After Thaksin's September 2006 ouster, the military-installed government of Surayud Chulanont pledged to reverse his policies and adopted a conciliatory approach. Though hardline security officials rejected his approach, Surayud's apology for past abuses and measures in the administration of justice were welcomed in the South. But his policies failed to produce tangible results, and 2007 saw the highest casualty rate since the violence surged in 2004.²⁵ Surayud also

²² Around May 2008, a series of press statements on the jihad in "Pattani Darussalam" from a group calling itself Khattab Media began to appear on Indonesian jihadi blogs. (Khattab was the name of the slain Palestinian who commanded Chechen troops, whom all jihadis recognise as a martyr.) Clearly Malaysia-based and written in Malay rather than Indonesian, they purported to be from a certain Abu Ubaidah Hafizahullah on behalf of "Al-Qaeda Bagian Asia Tenggara" (al-Qaeda, Southeast Asia Division).

²³ Two other Malaysians were arrested in September 2007 in connection with the killing of three security guards in three separate incidents in Narathiwat's Sungai Golok district. They have denied the charges, and it is not known whether they have jihadi links.

²⁴ Crisis Group interviews, Omar Hanif Shamsul Kamar and Muhammad Fadly bin Zainal Abidin, Narathiwat child and juvenile detention centre and Narathiwat prison, 25 and 26 August 2008. Fadly, aged 23, was a student at Universiti Teknologi Malaysia, the alma mater of prominent JI members, Noordin M. Top and the late Dr Azhari Husein. He said he had received one month's physical training in Malaysia before coming to southern Thailand. Hanif, 17, said he had been recruited by a Malaysian man from Kelantan. Both suspects said that they had been pained by the Tak Bai and Krue Se incidents (see footnote 75 below). The two Malaysians, together with their leaders, Malaysian *ustaz* "Muhammad" and a South Asian man called Omar, had crossed the border in late May 2008. The district police commander told Crisis Group that there was no evidence the two had any links with militant groups inside Thailand. Crisis Group phone interview, Police Colonel Prabphan Meemongkhon, Sungai Golok district superintendent, Narathiwat, 15 August 2008.

²⁵ According to statistics gathered by Pattani-based political scientist Srisompob Jitpiromsri, 2,295 people were killed or wounded in 2007, compared with 1,877 in 2006, 1,643 in 2005 and 1,438 in 2004.²⁵ The numbers of bomb attacks rose dramatically from 104 incidents in 2004, to 238 in 2005, 327

²⁰ The insurgency is largely confined to the three provinces of Pattani, Yala and Narathiwat and five districts of Songkhla province (Chana, Thepa, Na Thawi, Sabayoi and Sadao). The area is commonly referred to as the "Deep South" or "Far South". Note that the historic sultanate of Patani and the modern Thai province of Pattani are spelt differently.

²¹ Statistics from the National Economic and Social Development Board, 2006.

failed to make progress on substantive issues, such as education and language policy and justice for past abuses, and, as national elections came closer, he lacked the credibility and time to do more.

The elected government which took office in January 2008 has taken no significant new policy initiative and been content to leave southern policy to the military. This reflects Prime Minister Samak's view that the conflict is purely a security matter, as well as the distractions of Bangkok politics and his desire to stay on good terms with the armed forces. As a consequence, developments in the South since the election reflect decisions taken by the Surayud government and the military.

A. RESTRUCTURING OF OPERATIONS IN THE SOUTH

The Surayud government's most important move on the South was its decision to revive three key conflict management bodies. The Internal Security Operations Command (ISOC), originally set up to fight a communist insurgency between the 1960s and 1980s, is in charge of overall security policy. The Southern Border Provinces Administrative Centre (SBPAC) is responsible for the hearts and minds campaign, including investigating complaints about abusive officials. And the joint Civilian-Police-Military Command (CPM) coordinates operations among the military, police and intelligence agencies. Thaksin's decision to dissolve the SBPAC and the CPM43 (as it was then called) in 2002 was disastrous, because they were the only conflict resolution mechanisms available.²⁶ Under the current structure, both report to ISOC. This creates a clearer line of command among government agencies, but it took time for the new structure to function effectively.

Under Samak, the military controls ISOC; SBPAC is playing a useful role but is still weak, in part because of its subordination to the military; and CPM seems to be making some progress. As prime minister, Samak should have automatically assumed the post of ISOC director. Instead he appointed General Anupong, thus giving him full powers to handle the violence in the south. Anupong announced a four-year plan after he became army commander in October 2007. The first

phase, 2007-2009, is designed to end violent incidents by emphasising aggressive military actions; the second, 2010-2011, is to focus on development and community strengthening.

Anupong moved to streamline military operations in the South by reassigning areas of operation. The 1st army region (from central Thailand) took charge in Narathiwat, the 2nd army region (from the north east) in Pattani, the 3rd army region (from the north) in Yala. The 4th army region, previously in charge in the Deep South, is in effect sidelined, with direct responsibility for only five districts in Songkhla – a mark of Anupong's displeasure at its ineffectiveness in tackling the violence. Anupong also ordered each army region to send major generals to head the provincial task forces, replacing the colonels who previously commanded operations.²⁷

The military argues that the change reflects the importance that the new army chief attaches to the insurgency. But sceptics suggest that the reassignment of operational areas is driven by the desire of other army regions to get a slice of the substantial resources spent in the South. Military budgets rose after the violence surged in 2004 and dramatically after the coup. They stood around 80 billion Baht (\$2.3 billion) a year between 2000 and 2006, rose to 115 billion Baht (\$3.4 billion) in 2007 and reached 143 billion Baht (\$4.2 billion) in 2008.²⁸ The operation to quell the insurgency has become a lucrative enterprise.²⁹

Since the violence surged in 2004, some 30,000 soldiers, including paramilitary rangers, have been deployed, creating a mix of units and regions with different institutional norms and cultures.³⁰ The army argues the new structure will ease this problem, and deployment of more senior officers to head provincial task forces will make it easier to deal with police commanders and provincial governors on equal terms.³¹ It adds that the restructuring will increase incentives, ensuring that soldiers' performance will be directly reviewed by their commanders and creating competition between the army regions to reduce violence in their

in 2006 and 492 in 2007. According to police statistics, thirteen people were beheaded in 2007, compared with three in 2006, twelve in 2005 and three in 2004.

²⁶ See discussion in Crisis Group Reports, *Insurgency Not Jihad*, op. cit., pp. 33-35 and *The Impact of the Coup*, op. cit., pp. 13-14.

²⁷ Crisis Group interview, Maj. Gen. Theerachai Nakwanit, Narathiwat Task Force commander, Narathiwat, 27 March 2008.

²⁸ "East Asia and Australasia", *The Military Balance*, 108:1, 2008, p. 368.

²⁹ Crisis Group interview, Chaiwat Satha-anand, political scientist at Thammasat University, Bangkok, 11 May 2008.

³⁰ Crisis Group telephone interview, Wassana Nanuam, *Bangkok Post* military reporter, 16 April 2008.

³¹ Crisis Group interview, Col. Thammanoon Witi, Narathiwat Task Force chief-of-staff, 29 June 2008.

designated patch.³² Anupong reportedly told task force commanders that if they do this in their area, they will be promoted to regional army chief.³³

The change in the military approach also includes increasing patrols and road checkpoints. In late 2007, Anupong ordered operational units to be reduced in size from companies to platoons.³⁴ In Pattani, for example, 40 units were split into 150.³⁵ Observations suggest that patrols and checkpoints have indeed increased. In June, the 35-km Road 410, linking Pattani to Yala, “the road of death”, had thirteen checkpoints, the heaviest security since 2004.³⁶ New remote substance detectors have helped the security forces detect explosives, weapons and narcotics more effectively.³⁷

The military is recruiting another 28 companies of paramilitary rangers, to be added to the existing seven regiments. This expansion, expected to be completed by October 2008, will increase their numbers from 7,500 to 9,000.³⁸ The military favours rangers as a quick and cheap way of increasing troops on the ground: it is easier to create and dissolve ranger regiments, their salaries are significantly lower than regulars, and as local recruits, they are supposed to be familiar with the language, terrain and culture. In practice, only around 15 to 30 per cent are Malay Muslims, and the new recruitment is likely to bring in even more outsiders.³⁹

Rangers, who are given poor training and have a high casualty rate, have also been notorious for human

right abuses and corruption.⁴⁰ The military admits that some use their status and government-issued weapons against personal enemies, and that insurgents have used the ranger units to infiltrate the army.⁴¹ More reliance on them could lead to greater problems.

The military is making an active effort to regain control of the some 220 “red zone” villages, considered insurgent strongholds. After removing suspected insurgents from them through “sweeping” campaigns (see below), it tries to win hearts and minds by funding development projects. It has set up Nuay Pattana Santi (the Development and Peace Unit) to carry out development work. Each village is allocated one million Baht (\$29,700) to be used on projects initiated by the villagers.⁴²

B. ASSESSMENT OF THE VIOLENCE

The military restructuring since late 2007 has led to a reduction in violence. Figures for January-May 2008 show a sharp decline in attacks compared with the same period in 2007. In May 2008, nineteen people were killed, as opposed to 101 in May 2007.⁴³ The CPM’s count shows attacks falling by almost half between early 2007 and early 2008.⁴⁴ The military says the trend reflects improved cooperation from villagers in providing intelligence.

While the attacks are declining in quantity, the insurgents seem to be attempting more spectacular operations. On 15 March 2008, a fifteen-kilogram car bomb exploded in front of the CS Pattani Hotel, the largest in the province and frequently visited by officials, civic groups, journalists and Muslim leaders. The explosion killed two staff and injured thirteen others, including the hotel’s owner, Senator Anusart Suwanmongkol. The attack was particularly disturbing because the hotel had been considered neutral ground, used by both government and non-governmental agencies to organise activities to help resolve the conflict.

The bombing appeared to be carefully planned. Two fifteen-kilogram bombs were planted in fire extin-

³² Crisis Group interviews, Maj. Gen. Thawatchai Samutsakorn, Pattani Task Force commander, Pattani, 20 March 2008, and Maj. Gen. Theerachai Nakwanit, Narathiwat Task Force commander, 27 March 2008.

³³ Crisis Group interview, senior military officer, Pattani, 29 June 2008.

³⁴ Crisis Group interviews, senior army officers, Pattani, June 2008.

³⁵ “ปีภัยหลังพ.ช.เหตุร้ายชยับลง ที่ปัตตานีเหตุร้ายน้อยสุดในรอบ 11 เดือนเหือรวมไฟได้ยับยั้งต่ออยู่ที่ 2,792 ศพ” ใต้ข่าวภาคใต้ สถาบันอิศรา, 4 ธันวาคม 2550 [“Numbers of violence reduces in second half of November, the lowest numbers of violence in Pattani in 11 months, death total stands at 2,792”, Isra News Agency, southern desk, 4 December 2007].

³⁶ Observation by Crisis Group staff, June 2008.

³⁷ The military now has about 100 detectors, each of which costs some 1,250,000 Baht (\$37,200). Police and some interior ministry units have also purchased the devices. Crisis Group interviews, senior army officers, Pattani and Narathiwat, June 2008.

³⁸ Crisis Group telephone interview, Maj. Gen. Chamlong Khunsong, CPM deputy commander, 14 July 2008. This is the second recruitment, after 30 companies of rangers were hired in 2006.

³⁹ Crisis Group Report, *The Problem with Paramilitaries*, op. cit., p. 7.

⁴⁰ Ibid, pp. 5-12.

⁴¹ Crisis Group telephone interview. Maj. Gen. Chamlong Khunsong, CPM deputy commander, 14 July 2008.

⁴² Crisis Group interview, Col. Thammanoon Witi, Narathiwat Task Force chief-of-staff, 29 June 2008.

⁴³ Statistics gathered by Srisompob Jitpiromsri of Prince of Songkhla University at Pattani.

⁴⁴ There were 869 incidents in the period January to May 2007, and 487 in the equivalent period of 2008. CPM document obtained by Crisis Group.

guishers and hidden in a car parked in front of the hotel. According to an army explosives expert, the circuit was built to accommodate up to six bombs, but only two were connected, and only one exploded; the other landed on a roof about 300 metres from the hotel.⁴⁵ Two small bombs exploded inside a men's toilet in the hotel restaurant shortly before the main explosion, probably a ploy to lure people out so they would be caught in the main blast. But hotel staff, fearing a panic, decided not to inform guests about the small bombs, perhaps saving a number of lives.⁴⁶

On the same day, a car bomb exploded prematurely in Yala's Muang district, tearing apart the twenty-year-old driver Salahuddin Pula, whose name was in police records as involved in the insurgency. The security forces believe this incident was related to the CS Pattani incident. The bombs were assembled and planted in a similar fashion – two fifteen-kilogram bombs in fire extinguishers hidden inside a car; an army bomb disposal expert believes they were made by the same group.⁴⁷ The bombs went off prematurely, while Salahuddin's car was at an intersection. His destination was unclear, but the security forces suspect three possible targets: Yala municipality's youth centre, where a Buddhist merit-making ceremony was being held; a graduation ceremony at Yala Rajabhat University; or the Parkview Hotel.⁴⁸

Another major incident occurred on 21 June 2008, when some six suspected insurgents attacked a train with assault rifles and pistols as it was leaving the remote Kadae station in Narathiwat's Rangae district. One railway police officer and three railway officials were killed; more might have died had the driver not decided to plough through a blockade of logs which insurgents had placed on the tracks.⁴⁹ Security forces

believe the insurgents also planned to bomb the train: a fifteen-kilogram bomb, which did not explode, was discovered the next day not far from the location of the shooting.⁵⁰ Although insurgents have tried to sabotage trains many times by removing railway bolts, planting bombs on tracks and at stations and firing at trains, this was the most serious incident thus far, leading the authorities to halt all train service in the Deep South for about a week. Security was tightened on trains and at stations.

Five months after the car bomb at CS Pattani, on 21 August 2008, another large car bomb exploded in front of a restaurant near a police station in the border town of Sungai Golok, Narathiwat. A small bomb exploded first, causing no injuries but drawing a crowd. Twenty minutes later, two fifteen-kilogram bombs inside a car parked about ten metres away exploded, killing a journalist and two rescue workers.⁵¹

While occasional attacks on Buddhists took place, the first half of 2008 did not see a recurrence of the tit-for-tat violence between Muslims and Thai Buddhists which took place in 2007. One factor may have been the November 2007 transfer of Police Col. Phitak Iadkaew, the founder of Ruam Thai (Thais United), a clandestine Buddhist militia allegedly responsible for vigilante-style attacks against Muslims, to an insurgency-free district in Songkhla.⁵² The military fears that if Buddhists start to make revenge attacks against Muslims, the situation could turn into a "civil war".⁵³

While the changes in the military operation seem to have had some success in curtailing the insurgents' activities in the first half of 2008, it remains to be seen if the trend can be sustained.

⁴⁵ Crisis Group interview, army bomb squad officer, Pattani, 28 March 2008.

⁴⁶ Crisis Group interviews, CS Pattani Hotel staff, March 2008. Also see "คาร์บอมบ์หน้าซี.เอส.ปัตตานี คาย 1 เจ็บนับสิบ ส.ว.เจ้าของโรงแรม-นักข่าวโดนด้วย" ใต้ข่าวภาคใต้ สถาบันอิศรา, 16 มีนาคม 2551 ["Car bomb at CS Pattani kills one, injures a dozen including hotel owner and journalist", Isra News Agency, southern desk, 16 March 2008].

⁴⁷ Crisis Group interview, army bomb squad officer, Pattani, 28 March 2008.

⁴⁸ "เตือน ระวังคาร์บอมบ์รอบ 2 16-20 มี.ค. มทก.4สั่งครึ่งกำลังเข้ม ขึ้นมีชะลอหวังปราบปรามปฏิญญา" มติชนรายวัน, 16 มีนาคม 2551 ["Warning: second round of car bombings 16-20 March, southern army commander orders security beefed up, says Yala bombing aimed to cause chaos at graduation ceremony", *Matichon Daily*, 16 March 2008].

⁴⁹ "พจน.ขับรถไฟ ผ่านที่ระทึกคนร้ายบุกยิงรถไฟสู่'โงกโลก-ยะลา'" ใต้ข่าวภาคใต้ สถาบันอิศรา, 22 มิถุนายน 2551 ["Train driver reveals incident,

gunmen opened fire on Sungai Golok-Yala train", Isra News Agency, southern desk, 22 June 2008].

⁵⁰ Crisis Group interview, Police Col. Nitinai Langyanai, superintendent of Rangae district, Narathiwat, 3 July 2008.

⁵¹ "คาร์บอมบ์โกลก เขียวข่าวไทยรัฐสังเวช ช่อง 9- ผู้กำกับฯสาหัส" ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 21 สิงหาคม 2551 ["Car bomb in Golok killed a Thai Rath reporter, Channel 9 (reporter), police superintendent seriously injured", Isra News Agency, southern desk, 21 August 2008].

⁵² "คำสั่งแต่งตั้งโยกย้ายพ.ต.อ.ทั่วประเทศ" มติชนรายวัน, 2 พฤศจิกายน 2550 ["Re-shuffle of police officers nationwide", *Matichon Daily*, 2 November 2007]. A previous attempt to transfer him in June 2007 had been withdrawn after Buddhist residents of Yala town staged a protest. Phitak has insisted Ruam Thai was established purely for self-defence and said he cannot know or control everything its members do. "Buddhists suspected in Thai raids", *Washington Times*, 7 September 2007.

⁵³ ISOC internal memorandum, April 2008, seen by Crisis Group.

IV. EFFORTS AT CONFLICT RESOLUTION

If the military has had some success, less progress has been made on non-military approaches to conflict management and resolution. The revived SBPAC has made some headway in responding to complaints about abusive officials, but its subordination to the military has become an obstacle in its hearts and minds operation. Dialogue with the insurgents has gone nowhere, primarily because of the lack of sustained support from the government and unclear leadership among insurgents. There has been talk among politicians about studying models of autonomy in other countries, but the government has not expressed any seriousness in exploring alternative political structures.

A. THE SOUTHERN BORDER PROVINCES ADMINISTRATIVE CENTRE (SBPAC)

The SBPAC has had a difficult time regaining the role it had before 2002.⁵⁴ With nearly 200 officials, it has taken time to recruit additional capable and dedicated staff and build relationships with the local population. Its effectiveness is also impeded by the structure under which it functions: it is subordinate to the military-dominated ISOC, which approves its budgets. However, it has also scored a few successes. One of its most important units, the Justice Maintenance Centre (*Soon Damrong Tham*), allows people to voice complaints about misconduct of government officials. The centre received 375 complaints between October 2006 and July 2008, including allegations of corruption, intimidation of villagers, unjustified arrests and detention of suspected insurgents, smuggling of drugs and

⁵⁴ SBPAC was established in 1981 to improve administration and governance and help to contain the communist insurgency and Muslim separatist movements. It promoted coordination among government agencies, and aimed to reduce corruption and address prejudice against Malay Muslims among government officials. It had an active advisory board of religious and community leaders whose own networks often reached down to the village level and served as a useful source of intelligence. SBPAC provided opportunities for local leaders to engage with government officials on a regular and systematic basis and offered local residents a venue for their grievances. The 43rd joint Civilian-Police-Military Command was set up in parallel to coordinate security operations among government agencies. See Crisis Group Report, *The Impact of the Coup*, op. cit., p. 13, and Chandra-nuj Mahakanjana, "Decentralization, Local Government, and Socio-political Conflict in Southern Thailand", East-West Center Washington, working paper no. 5, August 2006, pp. 14-15.

contraband and sexual misconduct. Its investigations led to the transfer of at least two officials in 2007.⁵⁵ Officials transferred out of the region will not be allowed to work in the South again and will be listed as "incompetent", affecting their career advancement.⁵⁶

SBPAC set up a twelve-member committee to examine requests to transfer misbehaving officials out of the area in April 2008. The committee is co-chaired by the heads of SBPAC and CPM and also includes two senior military officials, three SBPAC officials, a senior police officer, a Muslim representative, a Buddhist representative and a legal expert.⁵⁷ The pre-2002 version of SBPAC only had the authority to transfer civil servants and police. The new system allows it to seek the transfer of soldiers as well, but any such proposal requires the agreement of the committee's military members.

Thus far, SBPAC has no legal foundation. The previous, military-installed National Legislative Assembly, an interim parliament, deliberated a bill on the centre, but passage was blocked by lawmakers linked to the military.⁵⁸ The opposition Democrats have urged the Samak government to push for a new law and have drafted their own bill.⁵⁹ It proposes that SBPAC answer directly to the prime minister – not the interior ministry or ISOC – so that it can coordinate officials from relevant ministries, have the status of a government agency entitled to receive government funds and have full authority to transfer misbehaving officers out of the region without going through ISOC.⁶⁰ The

⁵⁵ Crisis Group telephone interview, Kitti Surakhmhaeng, director of SBPAC's justice administration bureau, 16 August 2008. The transfer of two officials – a soldier and a border patrol police officer who were involved in sexual misconduct – was carried out by their respective commanders after they received recommendations from SBPAC (prior to the establishment of SBPAC's own transfer mechanism in April 2008).

⁵⁶ "ศูนย์อำนวยการบริหารจังหวัดชายแดนภาคใต้. รายงานประจำปี 2550," สงขลา: นาสิลปะหาดใหญ่, 2551, หน้า 80 ["Southern Border Provinces Administrative Centre's 2007 annual report", Songkhla: Namsilp Hat Yai, 2008, p. 80].

⁵⁷ Crisis Group interviews, SBPAC officials, March and July 2008.

⁵⁸ Crisis Group telephone interview, former member of the National Legislative Assembly, 11 July 2008.

⁵⁹ The Democrats' bill uses the word *sammak* (bureau) instead of *soon* (centre), to emphasise the move from ad hoc to statutory status. Crisis Group telephone interview, Peerayos Rakhimmula, Democrat parliamentarian from Pattani, 11 August 2008.

⁶⁰ Crisis Group telephone interview, Niphon Bunyamani, Democrat parliamentarian who drafted the SBPAC bill, 24 June 2008.

government is unlikely to support it for fear of antagonising the military.⁶¹

Some Muslim leaders are dissatisfied with SBPAC's performance. Nidir Waba, a former adviser to the Surayud government and president of the Association of Private Islamic Schools in the Southern Border Provinces, criticised it for lacking sufficient local participation.⁶² Worawit Baru, a Pattani senator, said that the centre has been "frozen" because of its subordination to ISOC.⁶³ The Justice Maintenance Centre has been criticised by other government agencies for undermining morale by focusing on wrongdoing. The centre itself has to screen complaints carefully, because it believes it is misused by the insurgents, who bring false accusations against officials in order to discredit the government.⁶⁴

B. DIALOGUE WITH INSURGENTS

There have been initiatives to carry out quiet dialogue with various groups believed to have links with the insurgents. None has achieved tangible results. There was a surprise televised announcement of a so-called "ceasefire" on 17 July 2008 by a man claiming to represent an insurgent umbrella body called the "All Underground Southern Insurgents Group", but it was quickly discounted by the military and analysts and disowned by known insurgent representatives.⁶⁵

A major problem in trying to hold talks with the insurgents is identifying their real leaders. No organisa-

tion has claimed responsibility for any of the attacks in the past four years. Insurgents work in small clusters at a village level and often do not know their counterparts outside their own group. It is still not even clear if there is a central leadership that can control the fighters on the ground or if they operate independently.

However, the government believes that the Barisan Revolusi Nasional-Coordinate (BRN-C) is a key insurgent organisation, operating primarily through Islamic schools. The Pattani United Liberation Organisation (PULO), whose leaders are living abroad, is thought to operate in a loose alliance with BRN-C but focuses its activities on the political front. It is unclear, however, if those claiming to represent the BRN-C have genuine control over insurgents.

Dialogue initiatives began in 2005. Former Malaysian Prime Minister Mahathir Mohammad and former Thai Prime Minister Anand Panyarachun brought together "old-generation" separatists, many of them in exile. The meetings, in Langkawi and Kuala Lumpur, yielded no results.⁶⁶ Other efforts were made by a foreign mediation organisation, which has arranged several rounds of talks between government and insurgent representatives in Europe and the region.

PULO spokesman Kasturi Mahkota, who attended the talks organised by the foreign mediation agency, said that his group joined the dialogue in 2006, and BRN-C soon followed. He claimed there was substantial progress during the Surayud administration, but the talks stalled after the change of government. Government participants, he said, do not have a clear mandate from the Samak government.⁶⁷ It is also uncertain who represents the BRN-C at the dialogue table. Kasturi said that the PULO and BRN-C representatives offered to create a temporary "peace zone" as a "confidence-building" measure, but, as of August 2008, they had not received any response from the government.⁶⁸

C. POSSIBLE POLITICAL SOLUTIONS

The government has put little effort into exploring political solutions to the protracted conflict in the South. In February 2008, Interior Minister Chalerm Yubamrung proposed studying special administrative zones

⁶¹ Interior Minister Chalerm Yubamrung said during a no-confidence debate on 26 June 2008 (broadcast on Channel 11) that Samak approved the Democrats' draft. But Peerapong Rahimmula, a Democrat parliamentarian from Pattani, told Crisis Group that it had been blocked by ISOC. Crisis Group telephone interview, 11 August 2008.

⁶² Crisis Group interview, Nidir Waba, president of the Association of Private Islamic Schools in Southern Border Provinces, Pattani, 20 March 2008.

⁶³ Crisis Group interview, Worawit Baru, Pattani senator and adviser to SBPAC, 25 March 2008.

⁶⁴ Unpublished document of Justice Maintenance Centre obtained by Crisis Group.

⁶⁵ The announcement was arranged by the leader of Ruam Jai Thai Chart Pattana Party, Chettha Thanajaro, a former defence minister and army chief, who claimed he had been coordinating talks in his personal capacity for the past four years. Violence occurred on the very day of the announcement; a military vehicle was ambushed in Yala. General Anupong dismissed the announced ceasefire, saying that the men belong to an insurgent group inactive since 1987. See "ชัชชาติต้นเจราจพรรค.ได้ไม่คุ้มหัวนั่งเก้าอี้รมว.กลาโหม" มติชนออนไลน์, 17 กรกฎาคม 2551 ["Chettha insists he initiated talks not because he hopes to become defence minister", *Matichon Online*, 17 July 2008]. "Claim of peace rejected", *The Nation*, 18 July 2008.

⁶⁶ Crisis Group Report, *The Impact of the Coup*, op. cit., pp. 6-7.

⁶⁷ Crisis Group interview, Pattani United Liberation Organisation (PULO) spokesman Kasturi Mahkota, Gothenburg, Sweden, 28 April 2008.

⁶⁸ Crisis Group email communications, PULO spokesman Kasturi Mahkota, 11 July and 26 August 2008.

in other countries as possible models, only to be slapped down the next day by Samak, who said he should not discuss this “sensitive” issue in public.⁶⁹ There is no indication that the government is seriously considering granting autonomy. The political elite tend to dismiss any such proposal as a first step towards independence, making it hard to explore alternative forms of administration.⁷⁰

Several Malay Muslim leaders believe the administration in the Deep South could be improved if more locals were represented in the regional administrative structure. Malay Muslims have long complained that the majority of civil servants in the Deep South are Buddhists from outside the region, who have little understanding of their way of life. The governors of Pattani and Narathiwat are Buddhists from elsewhere, while only the Yala governor is a Malay Muslim. One concrete idea advanced by Malay Muslim leaders is to allow direct elections for provincial governors (who are currently appointed by the interior minister, except for Bangkok, which has an elected post).⁷¹ However, governors represent the interests of central government, and Bangkok is concerned that it could lose control over the regions if elections were introduced.

The cabinet agreed in June 2008, after Samak’s visit to Indonesia, to study the peace process in Aceh as a model for resolving the conflict in the South.⁷² A fundamental difference is that the Thai government is still not certain if the parties in the talks are actually authoritative representatives of the insurgents, whereas the Indonesian government, in its post-tsunami negotiations, knew that the leaders of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) with whom it was dealing were in daily contact with rebel commanders in the field. GAM was not without its rifts, but the negotiators could deliver the rank and file. In Thailand, it is not at all clear that the people willing to talk have direct influence over what appears to be a very decentralised movement.

⁶⁹ See “เฉลิมปิ่นเขตปล.พิเศษ ลดรุนแรง 5 จว.แดนใต้,” มติชนรายวัน, 12 กุมภาพันธ์ 2551 [“Chalerm proposes special administrative zone to quell violence in five southern border provinces”, *Matichon Daily*, 12 February 2008]; and “Samak cool to autonomy idea”, *Bangkok Post*, 13 February 2008.

⁷⁰ Some Thai academics are studying possible forms of special administration in the South. See, for example, ศรีสมภพ จิตภิรมย์ศรี, “บททดลองเสนอว่าด้วยการปกครองพิเศษชายแดนใต้” ศูนย์เฝ้าระวังสถานการณ์ภาคใต้ [Srisompob Jitpiromsri, “a proposal on special administration system in the border South”], available at www.deepsouthwatch.org.

⁷¹ Crisis Group interviews, Malay Muslim politicians and religious leaders, Bangkok and Narathiwat, June 2008.

⁷² Cabinet resolution, 3 June 2008, www.thaigo.gov.th.

There are other differences. Both sides had strong incentives to come to the table over Aceh. Even before the December 2004 tsunami, GAM leaders wanted to end the conflict, because they had been badly weakened by military operations that had begun in May 2003. They were looking for an exit strategy, and the tsunami gave them one; it also gave the new government of Susilo Bambang Yudhoyono the chance to shine in the international spotlight as a peacemaker. In Thailand, it is not clear that there are comparable incentives. The army has reduced the number of attacks, but it is far from clear that the insurgents feel they are losing. There is also no domestic political pressure on the Thai government to negotiate; if anything popular feeling may be more supportive of a hardline solution.

Besides reforming the governance structure, the government also needs to address other areas such as education, past injustice and development. It has barely touched education reform. Schools have been hotbeds of conflict in the South. State-run schools are viewed by Malay nationalists as a vehicle for assimilation and indoctrination of “Thainess”, while the authorities suspect private Islamic schools of being breeding grounds for insurgents. Nearly 100 public school teachers have been killed in the past four and a half years, and hundreds of schools have been torched.⁷³ The crux of the matter is how to incorporate “Malayness” and Islam into the mainstream Thai education system, so that Malay Muslims will not feel that the state is trying to erase their distinctive culture and identity.⁷⁴

The lack of justice for past human rights abuses is also a major source of grievance. No officials have been prosecuted for the deaths of nearly 200 Muslims in two major incidents in 2004.⁷⁵ And there has been

⁷³ “4 ปี 99 ศพวิบถกรรม ครู บนคราบเลือดและน้ำตา.” ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 4 กรกฎาคม 2550 [“4 years, 99 teachers killed: teachers’ hardship with blood and tears”, *Isra News Agency*, southern desk, 4 July 2008].

⁷⁴ See detailed discussion on education reform in Crisis Group Report, *The Impact of the Coup*, op. cit., pp. 19-22.

⁷⁵ 106 Muslims died in clashes with security forces in eleven locations on 28 April 2004, of whom 31 were killed when security forces stormed the Krue Se Mosque in Pattani, and nineteen were killed at Saba Yoi market in Songkhla, with many showing signs of having been executed. The Tak Bai incident on 25 October 2004 saw 78 Muslims die through suffocation and injuries after being packed like sardines in military trucks. Thailand’s Criminal Procedure Code states that an inquest is required for any death in official custody, including deaths during clashes and arrests. The Muslim Attorney Centre, an NGO, has monitored the nine of the inquests, only three of those monitored have been completed. The delays are partly the result of officers refusing to testify

little progress in the investigation into the March 2004 disappearance of Muslim human rights lawyer Somchai Neelaphaichit, since the Surayud government assigned the Department of Special Investigation, Thailand's equivalent of the American FBI, to take over the case from police in 2007.⁷⁶ Angkhana Neelaphaijit, the missing lawyer's wife, claimed Samak has no will to pursue the case, as he considers Somchai a *thanai jon* (bandits' lawyer). Besides, she believes, senior police officers involved in his abduction hold high positions in the province where the killing occurred, making it difficult to carry out investigations.⁷⁷ These cases and others have become symbols of injustice.

SBPAC has made some headway in planning long-term economic development. In May 2008, the government endorsed its four-year plan to develop an economic zone in the southern border provinces worth 58 billion baht (\$1.7 billion), including setting up a centre for halal foods and developing the rubber trade.⁷⁸ It also includes a controversial plan to allow the military to co-invest in businesses, to allay fears of investors over security risks. The project is still in an infant stage, and it remains to be seen if it will bear fruit. However, experience elsewhere suggests that military-led investment activity risks causing market distortions and often results in failure. And mega-projects can become honeypots for corrupt officials.

in court. The completed inquests include the one into Krue Se, but 21 months later, public prosecutors have not decided whether to file charges, while relatives of the victims are too afraid to file on their own. Crisis Group telephone interviews, Muslim Attorney Centre staff, 13 August 2008.

⁷⁶Somchai was taken into a car by several men, including plainclothes police, on a road in Bangkok. Nobody has seen him since. He disappeared after he submitted a letter to the interior ministry, the National Human Rights Commission and other government agencies calling for investigations into accusations of torture by the police. He accused police officials of torturing five suspected Muslim insurgents alleged to have been involved in the depot raid on 4 January 2004. Five police officers were arrested in connection with Somchai's disappearance and were charged with illegal detention and robbery. The Criminal Court sentenced Police Maj. Nguen Thongsuk, who forced Somchai into the car, to three years in prison. Four others were acquitted.

⁷⁷Crisis Group telephone interview, Angkhana Neelaphaichit, 13 August 2008.

⁷⁸“สมัครเคาะตั้งงบประมาณ 6 หมื่นล้านเพื่อพัฒนา 3 จังหวัดชายแดนใต้ใน 5 ปี” ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 14 พฤษภาคม 2551 [“Samak approves 60 billion Baht to develop three southern border provinces in five years”, Isra News Agency, southern desk, 14 May 2008].

V. THE PROBLEM OF IMPUNITY

Negotiated solutions may be beyond the scope of a government struggling for its political survival, but the Samak government can and should take steps toward ending human rights abuses and the impunity enjoyed by those who commit them. Extrajudicial killings, prolonged arbitrary detention and widespread torture, facilitated by draconian legislation, deepen Malay Muslims' sense of injustice and harden their attitudes toward the Thai state.

A. DRACONIAN LAWS

Three laws are in place in the Deep South granting the military extraordinary powers: martial law, the emergency decree and the internal security act (ISA). This complex web of legislation creates a climate of impunity and heightens the risk of human rights abuse.

1. Martial law and emergency decree

The military imposed martial law in the southernmost provinces of Pattani, Yala and Narathiwat and in some districts in Songkhla after the raid on an army depot in January 2004. The law allows the military to carry out search and arrest without court warrants and detain suspects for seven days without charge.

The Thaksin government replaced martial law with the Executive Decree on Public Administration in Emergency Situations (emergency decree for short) in Pattani, Yala and Narathiwat on 19 July 2005.⁷⁹ The decree transferred supervisory responsibility for the overall operation of the law from the army to the government and gave authority to police and interior ministry officials to carry out security operations alongside the military. For the decree to take effect, the government has to designate an area as being under “a state of emergency”; the designation is subject to renewal every three months. The decree offers some legal protection for an accused. It requires that military, police and interior ministry officers jointly sign a request for a court warrant, whereas martial law allows soldiers to detain suspects.

However, the decree authorises harsh measures. It allows security officials to hold suspects without charge for up to 30 days with court approval – an increase from seven days under martial law. It was described as “a license to kill”, because Sections 16 and 17

⁷⁹Martial law remained in place in violence-wracked districts in Songkhla.

grant law enforcement officers immunity from civil, criminal and disciplinary penalties and suspend the jurisdiction of administrative courts to prosecute officials.⁸⁰ Crisis Group previously reported that the decree deepened mistrust of the security forces and increased public discontent.⁸¹

Following the coup, martial law was again imposed, this time throughout the country. It was gradually lifted everywhere, apart from the Deep South, where martial law and the emergency decree are now in force concurrently. Together, they grant more power to the security forces than either measure alone would do. In consequence, security officials are using a “seven + 30 formula”: they arrest suspects and hold them for seven days under martial law, then extend the detention for another 30 days under the emergency decree. Suspects are often held at makeshift facilities inside local military bases during the first seven days, and family visits are normally not allowed. If their detention is extended by the emergency decree, suspects are allowed to see visitors after a further three days. This means that suspects are held incommunicado during the first ten days, heightening the risk of torture or mistreatment. They are denied access to lawyers throughout the 37-day detention.

2. Internal security act

The ISA may be creating further public discontent. Section 21 allows the ISOC director, with court consent, to drop legal charges against any suspect in security-related cases if the person confesses his or her wrongdoings and agrees to undergo six months of “re-education” under military supervision. The military expects this amnesty strategy will entice insurgents into surrendering, as it did with members of the Communist Party of Thailand in the 1980s. However, there were serious internal rifts within the CPT, and amnesty was an attractive option for defectors; there is no suggestion the southern insurgents are in the same position, so the tactic is unlikely to work.

Rather, large-scale detentions are likely to fuel additional resentment.

The idea of giving extended re-education to suspects was first tried in 2007, but suspended after a legal challenge. The military, in collaboration with some officials of the National Human Rights Commission, ran a four-month training camp for suspected insurgents in the upper southern provinces of Surat Thani, Chumphon and Ranong.⁸² Nearly 400 suspects were trained, having been given the choice of attending or being prosecuted. The military had no legal authority to hold them beyond 37 days and so needed their consent. It believed keeping the suspects away from their homes for this extended period would help undermine the insurgent network.

Human rights advocates, including Angkhana Neelaphaichit, the wife of the missing lawyer Somchai, challenged the program in the local courts in October 2007, arguing that it constituted unlawful detention. A Muslim who joined the re-education program testified: “I have a lot of freedom in the camp, but it is not what I wanted. I want to go home to take care of my family.”⁸³ The courts ordered that anyone wanting to return home be allowed to do so. However, Lt. Gen. Viroj Buacharun, the 4th army regional commander, promptly used his martial law powers to ban the suspects from entering the conflict area for six months. The ban was lifted in November 2007 after it was strongly criticised by human rights groups.⁸⁴ Under the ISA’s Section 21, however, the military anticipates having full legal authority to resume the re-education program.

Officials are still waiting for the cabinet to approve legal charges applicable under Section 21. One question is whether those committing criminal acts as part of their political struggle can be considered for amnesty. In the meantime, some officials in the South

⁸⁰The phrase “a license to kill” was used by Anand Panyarachun, a former prime minister who headed the now-defunct National Reconciliation Commission, an independent body appointed by the Thaksin government to propose long-term policies to end the southern violence. Anand made this remark in a televised debate with Thaksin shortly after the decree was enacted. “การสนทนาพิเศษเรื่องการสร้างสันติสุขในสามจังหวัดชายแดนภาคใต้” 28 กรกฎาคม 2548 ถ่ายทอดสดช่อง 11 [“Special discussion on peace-building in the three southern border provinces”, 28 July 2005, broadcast live from Government House on TV Channel 11].

⁸¹Crisis Group Report, *Thailand’s Emergency Decree*, op. cit.

⁸²A key supporter of this approach is Phongjarat Ruayram, then member of the National Human Rights Commission’s sub-committee on human rights protection. NHRC officials were divided on the merit of this re-education. Phongjarat, himself a left-leaning student activist in the 1970s, believes that the amnesties granted in the 1980s to radical students who joined the communist movement brought that conflict to an end and that there could be a similar effect on the Malay insurgency. Crisis Group interview, Phongjarat Ruayram, Bangkok, 30 May 2008.

⁸³“นักสังเกตการณ์ (The observers): ความจริงที่ถูกบอกเล่า (ตอนที่ 4), ประชาไท, 30 ตุลาคม 2551 [“The observer: the truth that was told (Part 4)”, *Prachathai*, 30 October 2007].

⁸⁴Crisis Group telephone interview, Pornpen Khongkachonkiet, human rights worker with the Cross Cultural Foundation, 17 July 2008.

have already used the measure to bargain with suspects over confessions.⁸⁵

The ISA has been criticised by democracy activists and academics as a tool for the army to institutionalise its political power. The law's vague definition of what constitutes a "threat to national security" leaves room for the military to use it against their political opponents.

B. HUMAN RIGHTS ABUSES

Stepped-up military operations since early 2008 appear to have led to an increase in deaths of Muslims. Isra News Agency, a Pattani-based independent media organisation, reported 33 Muslims killed during arrests and clashes between the military and insurgents between January and June 2008.⁸⁶ There have been accusations by relatives of some suspects that they were shot after surrendering. The claim is that some officials prefer to kill those identified as key insurgents rather than go through the tedious and time-consuming process of gathering evidence to prove their guilt in the court.

Muslim villagers also believe that the security forces may have been behind several mysterious shootings of *ustaz* (Islamic teachers) in early 2008. Rumours about covert killings by security forces continue to spread. It is often difficult to differentiate facts from propaganda: insurgents have sometimes spread such rumours to reinforce hatred against the central government in the close-knit rural communities, where word-of-mouth is a powerful tool of propaganda. The security forces tend to say that the teachers were killed by insurgents for giving intelligence to the authorities, whereas villagers tend to believe the security forces assassinated them as suspected insurgent leaders.

The military admitted that a paramilitary ranger was responsible for one shooting incident, on 30 January 2008, but dismissed it as a "private affair". In that incident, Marosae Tayeh, a Muslim ranger from the 41st Ranger regiment, shot Maroning Alimama, a Muslim grocery shop owner, in Yala's Bannang Sata district. Marosae's identity was unclear at the time, but the

41st regiment commander, Col. Tim Roento, later admitted he was a ranger. Maroning survived, and villagers shot, beat and slashed Marosae to death in revenge. Tim said the shooting was due to "personal problems", while Maroning said he did not know Marosae.⁸⁷ Regardless, the incident reinforced the public's fears of killings by the security forces.

Torture after arrest remains a serious problem and appears to have increased since June 2007, when the army began a systematic sweeping or "cordon-and-search" operation, Yuttakarn Phithak Daen Tai (Operation to Protect the South), to hunt down suspected insurgents, particularly the military wing known as "RKK".⁸⁸ These operations led to mass arrests. Between June and December 2007, about 240 to 320 people were arrested each month, a total of 1,947.⁸⁹ The independent Muslim Attorney Centre received 74 reports of torture of detainees between June 2007 and April 2008, including holding them naked in refrigerated rooms, using electric shocks on their bodies, beating them with iron clubs wrapped in cloth and putting them in heated oil tanks. Such reports centred on two military bases: Task Force 11 in Yala's Muang district and Task Force 24 in Pattani's Khok Pho district.⁹⁰

The following are some of the most serious abuse cases:

- Yakariya Pa-omani, a 47-year-old villager, was killed by gunshots while the pickup truck transporting him from military to police custody was ambushed by gunmen in Yala's Raman district on 28 June 2007. None of the paramilitary rangers es-

⁸⁵ Crisis Group telephone interview, Adilan Ali Ishak, Muslim Attorney Centre, 20 June 2008.

⁸⁶ Crisis Group interview, Sumeth Panphet, Isra News Agency reporter, Pattani, 4 July 2008. Also see "ครึ่งปีไฟได้ 2551 สถิติความรุนแรงลด 50% เหตุร้าย 563 ครั้ง เสียชีวิต 302 ราย" ใต้ข่าวภาคใต้ สถาบันอิศรา, 2 กรกฎาคม 2551 ["Violence reduces by half in first half of 2008, 563 incidents, 302 casualties", Isra News Agency, southern desk, 2 July 2008].

⁸⁷ "ผู้การกรมทพ.41 บอกเหตุร้ายทพ.ยิงชาวบ้านขัดแย้งส่วนตัว..คนเจ็บ ึง คำชี้แจงบอกไม่รู้จักกันมาก่อน" ใต้ข่าวภาคใต้ สถาบันอิศรา, 31 มกราคม 2551 ["41st Regiment commander says ranger shot villager due to personal conflict, the victim says he didn't know the ranger", Isra News Agency, southern desk, 31 January 2008]; and "อีกเหตุร้ายที่อส.ทหารพรานเกี่ยวข้องกับกรก่อความไม่สงบในพื้นที่...ความหวาดระแวงที่ยังมีปกคลุมไปทั่ว" ใต้ข่าวอิศรา สถาบันอิศรา, 4 กุมภาพันธ์ 2551 ["Another incident where ranger used violence...the climate of fear still prevails", Isra News Agency, southern desk, 4 February 2008].

⁸⁸ RKK stands in Malay for "Runda Kumpulan Kecil", literally a small patrol unit. The acronym is widely used by the Thai military to refer to the insurgents' military wing. Despite the military's claim that the insurgents have received training from Indonesia, the term is not known to have been used in militant circles there.

⁸⁹ Statistics obtained from the CPM, 12 April 2008. Of those arrested, 1,583 were detained at the Inkhayuthboriharn military camp in Pattani and 364 at the national police bureau's forward command in Yala.

⁹⁰ Muslim Attorney Centre document made available to Crisis Group.

corting him were injured in the attack. Dr Pornthip Rojanasunan, a forensic expert who carried out an autopsy, said that he was kicked or jumped on repeatedly prior to the shooting; it was impossible to say whether the cause of death was chest injuries or the shooting. Former National Human Rights Commissioner Wasant Panich, who investigated, believes the rangers may have staged the incident to cover up torture.⁹¹

- Ashari Sama-ae, a 26-year-old student, died of brain injuries a day after he was arrested on 21 July 2007 in a sweeping operation in Yala's Krong Pinang district. Ashari's family believes that his death was a result of beating while in custody. The authorities claim that he fell and his head hit the ground, when he attempted to snatch a gun from his arresting officers. Four others arrested with Ashari told the National Human Rights Commission that they had been beaten.⁹²
- Aminudeen Kaji, a 26-year-old religious teacher at the private Islamic Rungroj Wittaya School, was arrested by border patrol police in Songkhla's Chana district on 5 February 2008. Aminudeen said that he was kicked, beaten, jumped on and suffocated with plastic bags. He filed a police complaint. Thirteen border patrol police were investigated but not prosecuted, after the teacher reached a "compromise" with the authorities, with whom, his brother explained, he did not want to create further problems.⁹³
- Yapa Kaseng, a 56-year-old imam, was beaten to death while being held at a military base in Narathiwat's Rue So district on 21 March 2008. According to his two sons, who were detained at the same time, Yapa was taken from the prison cell for

interrogation three times during the night. After the third interrogation, he could no longer walk. The military denied his request to be taken to hospital, and he died in his son's arms.⁹⁴ A medical doctor who carried out an autopsy told the Narathiwat court that his ribs were broken from being hit with hard objects; the ribs pierced his lung, causing his death.⁹⁵ Photographs of Yapa's corpse show severe bruises on his face, torso and legs. The military initially claimed that he died of epilepsy but later admitted that his death was the result of being beaten.⁹⁶ The army blamed individuals and insisted that it does not encourage the torture of detainees.⁹⁷ Anupong, the army chief, transferred Task Force 39 out of the area; five soldiers are being prosecuted.

The sweeping operations, and the extended period of detention allowed under the three concurrent laws, support the military's tactic of "separating the fish from the water". The security forces want to take suspected insurgents away from villages for as long as possible so as to destroy operational networks and give themselves more opportunity in which to move in and strengthen state power at the village level. The security forces normally cordon the designated area at night and carry out the raid in early morning.

Detentions have certainly disrupted insurgent cells in the short term: some genuine insurgents have undoubtedly been arrested, and others have left their villages for fear of capture. But the indiscriminate nature of the operations means that substantial numbers of innocent people have almost certainly been arrested, while cases of torture appear to be increasing. This adds to the sense of injustice felt by Malay Muslims. The long periods of detention are doing more to harden attitudes against the Thai state than to win hearts and minds.

⁹¹ Crisis Group telephone interview, former National Human Rights Commissioner Wasant Panich, 11 July 2008. See more details of the Yakariya Pa-omani case in Crisis Group Report, *The Problem with Paramilitaries*, op. cit., p. 10.

⁹² "Human Rights Under Attack", Working Group on Justice for Peace, report released in March 2008, <http://thailand.ahrchk.net/docs/HRunderAttack.pdf>; and

"อีกหนึ่งเหตุร้ายในค่ายอิงคยุทธบริหารฯ ปีศาจเมื่อผู้ต้องสงสัยก่อเหตุไม่สงบเสียชีวิตอย่างมีเงื่อนงำ" โต้ะข่าวภาคใต้ สถาบันอิศรา, 25 สิงหาคม 2550 ["Another incident in Inkhayuthboriharn Camp in Pattani, suspected insurgent dies mysteriously", Isra News Agency, southern desk, 25 August 2007].

⁹³ Crisis Group interview, Nasrudin Kaji (Aminudeen's brother), Pattani, 23 August 2008. See also "ความในใจของ "อามีนุคิน กะจิ" หลังถูกซ้อมทรมานที่บก.ตชด. ฐานต้องสงสัยร่วมก่อเหตุร้าย" โต้ะข่าวภาคใต้ สถาบันอิศรา, 13 กุมภาพันธ์ 2551 ["Aminudeen Kaji reveals his feelings after being tortured at a border patrol police base for alleged involvement in staging violence", Isra News Agency, southern desk, 13 February 2008].

⁹⁴ Crisis Group interviews, Normee and Sadah Kaseng, the imam's two daughters, at their house in Narathiwat, 26 March 2008.

⁹⁵ Crisis Group attended court hearing on the death of Yapa Kaseng, Narathiwat, 30 June 2008.

⁹⁶ Statement of the Internal Security Operations Command's 4th Region Forward Command, 23 March 2008; and "ทบ. รับแล้วอหามันยะผาถูกของแข็งตาย ย้ำใครผิดต้องจัดการตามกฎหมาย." โต้ะข่าวภาคใต้ สถาบันอิศรา, 2 เมษายน 2551 ["Army admits imam Yapa was beaten to death by hard object, insist wrongdoers to face justice", Isra News Agency, southern desk, 2 April 2008].

⁹⁷ Crisis Group interview, Maj. Gen. Theerachai Nakwanit, Narathiwat Task Force commander, Narathiwat, 27 March 2008.

VI. CONCLUSION

As long as Bangkok is unable to resolve political polarisation, it is unlikely that the South will receive serious attention. Policymaking has been left in the hands of the military, with increased powers but decreased oversight. This has brought some short-term gains – reducing the number of violent attacks – but risks long-term losses, as human rights abuses increase and underlying grievances remain unaddressed.

Improved security operations, though important, will not solve the conflict in the Deep South. That requires dealing with the root causes of the conflict. The government will need to address the sense of injustice and alienation from Thai society felt by Malay-

Muslims, eradicate the abusive behaviour of officials and offer the Malay Muslims ways of living life with dignity in Thailand without having to compromise, or abandon, their cultural identity. It will need to attack problems in areas such as education, justice and development and start giving serious thought to long-term political solutions, including some form of self-rule or decentralisation of power. It will need to revoke martial law, amend the emergency decree and internal security act and pass a law on SBPAC.

The solution for the troubled South lies in Bangkok. The government must take back control of Southern policy if the situation is not to fester or deteriorate further.

Bangkok/Brussels, 28 August 2008

APPENDIX A
 MAP OF THAILAND



APPENDIX B

MAP OF THAILAND'S SOUTHERN PROVINCES



APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 135 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates eleven regional offices (in Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Bangkok, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea,

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International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
E-mail: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
E-mail: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
E-mail: washington@crisisgroup.org

London Office

48 Gray's Inn Road, London WC1X 8LT · Tel: +44 20 7831 1436 · Fax: +44 20 7242 8135
E-mail: london@crisisgroup.org

Moscow Office

Belomorskaya st., 14-1 – Moscow 125195 Russia · Tel/Fax: +7-495-455-9798
E-mail: moscow@crisisgroup.org

Regional Offices and Field Representation

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