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Press Release

UN EXPERT ON EXTRAJUDICIAL EXECUTIONS CALLS ON THAILAND TO REPEAL EMERGENCY REGULATIONS THAT VIOLATE HUMAN RIGHTS LAW

18 July 2006

The Special Rapporteur on extrajudicial, summary or arbitrary executions of the United Nations Human Rights Council issued the following statement today:

Philip Alston, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, today called on the Government of Thailand to repeal those provisions of the emergency regulations being applied in southern Thailand that violate international human rights law. "If the Government decides to renew the state of emergency today, it should nevertheless repeal those parts that violate human rights law," Alston said. The state of emergency was declared one year ago, in July 2005, and will lapse unless extended on 19 July 2006.

Thailand's Emergency Decree provides that soldiers and police officers may not be prosecuted or disciplined even for otherwise illegal killings so long as they are acting reasonably and in good faith. Under human rights law the use of lethal force is prohibited unless strictly necessary to protect life, regardless of an officer's good faith or reasonableness. "The emergency decree makes it possible for soldiers and police officers get away with murder," said Alston. "Thailand must abide by its commitment to follow human rights law."

In 1996 Thailand acceded to the International Covenant on Civil and Political Rights (ICCPR), making a legally binding commitment to only adopt measures that are consistent with its provisions. The Covenant permits some exceptions during states of emergency, but it includes a specific provision that bars any measures cutting back on the legal safeguards surrounding the right to life.

"The Government has failed to act on previous calls to bring its emergency regulations into compliance with human rights law," Alston said. The current state of emergency was first declared in July 2005. Later that month the

Human Rights Committee observed that the Emergency Decree was inconsistent with human rights law, but the Government nonetheless proceeded to extend the state of emergency in October 2005. Alston then raised this issue in a letter to the Government sent on 15 November 2005, but he received no response, and the state of emergency was further extended in January and April 2006. The state of emergency will come to an end on Wednesday, 19 July 2006, unless the Government extends it once again.

"Impunity for violence committed by the security forces has been an ongoing problem in Thailand, but the emergency decree has gone even further and makes impunity look like the official policy," said Alston. "As Thailand moves to October elections it is time to abandon impunity and make justice the new norm."

Alston and his predecessors as Special Rapporteur have corresponded with the Government of Thailand about problems of impunity for a number of years. During the crackdowns on drug trafficking in 2003 and 2004, his predecessor raised with the Government allegations that a large number of extrajudicial executions had been committed by security forces. While cases against members of the security forces were later brought, virtually all have since been dismissed. Alston has also corresponded with the Government about the incidents at Krue Se on 28 April 2004 and at Tak Bai on 25 October 2004 in which large numbers of people were killed by security forces or died in their custody. But while the Government established commissions of inquiry to investigate the incidents at Krue Se and Tak Bai, no member of the police or military has ever been prosecuted.

"Accountability requires the Government to act on its stated commitment to human rights," said Alston. "The Government should repeal all emergency regulations that violate human rights law and begin moving to bring human rights abusers to justice." Alston has also indicated to the Government that his request to visit Thailand remains operative and that he would very much welcome the opportunity to see the situation first hand.