

Stalemate in Southern Thailand

I. OVERVIEW

The deadly conflict in Thailand's predominantly Malay Muslim South is at a stalemate. Although military operations might have contributed to the reduction in violence, the government of Prime Minister Abhisit Vejjajiva has made little effort to tackle the political grievances that drive the insurgency. A limited unilateral suspension of hostilities offered by rebels has met no significant response. Draconian laws that grant security forces sweeping powers remain imposed while justice for serious cases of past abuse remains unaddressed and torture of suspects continues. As bloody anti-government protests in Bangkok distracted the nation in early 2010, the death toll in the six-year-long insurgency steadily climbed. The conflict in the Deep South remains on the margins of Thai politics and unresolved. A paradigm shift is needed to acknowledge that assimilation of Malay Muslims has failed and that recognition of their distinct ethno-religious identity is essential. Dialogue with insurgents and reform of governance structures remain two missing components of a comprehensive political solution.

The level of violence in the Deep South has largely been steady for the past three years. Some 30,000 troops are deployed in the insurgency-hit region where Malay Muslim insurgents have continued to attack security forces, government teachers, Buddhists and Muslims perceived to side with the government. Since a significant drop in 2008, the tempo of violence has been around 1,000 attacks per year with 368 deaths recorded in the first ten months of 2010. Military operations alone are unable to end the violence.

While the Abhisit government has recognised that political solutions are necessary to end the conflict, words have not been matched by actions. It has failed to lift the state of emergency in the three southernmost provinces imposed since 2005. Worse still, the draconian law has been extended to control anti-government protestors in other provinces. The government has dismissed a chance to move towards peace dialogues by giving a lukewarm reception to a mid-year limited suspension of hostilities declared unilaterally by two insurgent groups. Although there has been greater space for public discussion on administrative reform than under previous governments, no serious attempt has been made to explore possible models within the principle of a unitary Thai state.

The government is planning to launch a new "political offensive" by implementing a quasi-amnesty policy under the Internal Security Act, hoping it will entice militants to surrender and weaken the movement. The provision allows the authorities, with the consent of a court, to drop criminal charges against suspected militants who, in turn, will be required to undergo up to six months of "training", a euphemism for reverse indoctrination. It remains to be seen whether the policy will succeed. Human rights advocates are sceptical, fearing suspects could be forced to confess to crimes that they did not commit and calling the training "administrative detention". Nevertheless, the quasi-amnesty measure alone is unlikely to be a lasting solution as long as larger socio-political grievances remain unaddressed.

Physical abuse and torture of detainees continue, while demands for justice for past abuses remain unanswered. Police dropped charges against a former ranger alleged to be involved in the 2009 Al-Furqan mosque attack. This reinforces perceptions of impunity and the insurgency's narrative of the unjust rule, while aiding recruitment of those willing to take up arms against the Buddhist Thai state.

Until political stability in Bangkok is restored, the insurgency will remain at the periphery of the government agenda. But the government needs to be better prepared to respond to future gestures by the insurgents and lay the political groundwork for a negotiated settlement. In other separatist conflicts, negotiations have proven an effective means to end violence and do not necessarily lead to secession, as Bangkok has long feared. As part of an effort to scale down the presence of troops, the government should plan to increase the numbers of police officers and civilian defence volunteers as well as enhance their capacity to provide security.

With no military victory in sight for either side, the rebels must also consider new political strategies. Their representatives must propose comprehensive political solutions. Beyond protesting through violence, they should get ready to make concrete demands at a time when an opportunity for talks arises.

Based on research carried out between February and October 2010, including interviews in the Deep South, this briefing provides an update of analysis of the southern insurgency in the second year of the Abhisit administration.

II. THE SITUATION IN THE SOUTH IN 2010

The ethno-nationalist insurgency re-emerged in 2004 in the predominantly Malay Muslim South and has since claimed more than 4,400 lives and injured 7,200 people.¹ It has been fuelled by more than a century of discrimination against ethnic Malay Muslims and attempts at forced assimilation by the Buddhist Thai state. It was mishandled and exacerbated by the heavy-handed policies of the Thaksin administrations (2001-2006). After the September 2006 coup, the interim government of Prime Minister Surayud Chulanont attempted to address mistakes by making a historic apology for past abuses and reviving key conflict management bodies. In response, the militants escalated their attacks, prompting the military to launch a more aggressive counter-insurgency campaign in mid-2007. In light of growing political turmoil at the centre, the subsequent post-coup civilian governments largely left counter-insurgency operations in the military's hands.² After taking office in December 2008, Prime Minister Abhisit pledged to take back policy oversight but the persistent weakness of his government has held back a comprehensive and decisive response to this conflict.

A. ASSESSMENT OF VIOLENCE

The level of attacks has been steady for the past three years. During this time, security forces have been unable to reduce the violence significantly, but the insurgents have not been able to expand their military operations either. It appears that neither side will prevail militarily. Since the insurgency resumed in 2004, there were about 1,800 attacks each year, peaking in 2005 with 2,173 attacks.³

The more aggressive counter-insurgency operations launched by the military since mid-2007 cut the number of attacks in half to 821. After a significant drop in incidents in 2008, a stalemate seems to have been reached. Violence increased slightly in 2009 to 1,035 incidents. In the first ten months of 2010, there were 831 attacks, which should bring the annual total close to that of 2009.⁴ Although attacks have mainly targeted security forces and government officials, most victims continued to be civilians.

Drive-by shootings and bombings are the most common tactics used by insurgents. The overall rate of bombings in 2010 is close to that recorded the previous year. As of 22 October, there have been 225 bombings, compared to 290 in 2009.⁵ Car bomb attacks and the use of vehicle-borne improvised explosive devices decreased in 2010. As of 22 October, there have been only two car bombs successfully detonated, compared to six the previous year – the most since 2004.⁶ Bomb disposal experts believe this is a result of better cooperation between people spotting suspicious objects and the authorities.⁷

Car bomb incidents include an attack on 11 April 2010 when a bomb exploded in Narathiwat's Chanae district, killing one member of the *Or Sor* (Volunteer Defence Corps, under the interior ministry) as well as injuring a police officer and two deputy village headmen. The bomb was inside a 15kg cooking gas tank, concealed by logs, and placed on the back of a pick-up truck. As the officials went to inspect spiked nails laid on the road near the parked truck, the bomb was remotely triggered.⁸

Ten days later, in the city of Pattani's Muang district, another explosion injured seven police officers and ten civilians. Triggered in the same manner,⁹ the attack took

¹ Previous Crisis Group reports on Thailand's southern insurgency include: Crisis Group Asia Report N°181, *Southern Thailand: Moving Towards Political Solutions?*, 8 December 2009; Asia Report N°170, *Recruiting Militants in Southern Thailand*, 22 June 2009; Asia Briefing N°80, *Thailand: Political Turmoil and the Southern Insurgency*, 28 August 2008; Asia Report N°140, *Southern Thailand: The Problem with Paramilitaries*, 23 October 2007; Asia Report N°129, *Southern Thailand: The Impact of the Coup*, 15 March 2007; Asia Report N°105, *Thailand's Emergency Decree: No Solution*, 18 November 2005; and Asia Report N°98, *Southern Thailand: Insurgency, Not Jihad*, 18 May 2005. Numbers of casualties are based on statistics from the Pattani-based think-tank Deep South Watch.

² For previous Crisis Group reports on Thailand's political crisis, see Asia Report N°192, *Bridging Thailand's Deep Divide*, 5 July 2010; Conflict Risk Alert, *Conflict Risk Alert: Thailand*, 30 April 2010; and Asia Briefing N°82, *Thailand: Calming the Political Turmoil*, 22 September 2008.

³ According to Deep South Watch, there were 1,838 attacks in 2004, 1,847 in 2006, and 1,850 in 2007.

⁴ The number of dead and injured victims in the South is as follows; in 2004: 851/773, 2005: 601/1,074, 2006: 715/1,198, 2007: 836/1,501, 2008: 468/819, 2009: 567/1,084 and 2010 (as of October): 368/807. Statistics from Deep South Watch.

⁵ 2007 saw the highest number of bombings with 488 cases. Statistics from the army bomb disposal unit made available to Crisis Group and Crisis Group telephone interview, officer in bomb disposal unit, 22 October 2010.

⁶ Crisis Group interview, officer in bomb disposal unit, Pattani, 17 August 2010.

⁷ Ibid.

⁸ Information from army documents made available to Crisis Group.

⁹ In 2010, up to 22 October, the army has noted 56 bombs using mobile phones as triggers, 45 using radio transceivers, 36 detonated by wire, 22 exploded when stepped on as mines, nineteen using clock timers and nine detonated by radio remote controls. Radio transceivers began to be used in 2009. They circumvent electronic jammers widely used by security forces, which only cut the signals of mobile phones and remote control devices. The security forces have asked sellers of radio transceivers in the area to report suspicious buyers or those purchasing

place at 10:30am – two hours after assailants had thrown a military grenade into a police station. The grenade exploded in the middle of a group of police officers who had gathered outdoors to listen to a daily briefing, killing one and injuring 43 others. The two attacks were coordinated as the car bomb exploded about 50 metres away from the police station.¹⁰

Some 30,000 troops are stationed in the region, about one third of whom are paramilitary rangers.¹¹ While an increasing number of locally based troops have been deployed under the newly established 15th Infantry Division, battalions from other army regions are still being rotated into the border provinces.¹² The troops spend most of their time escorting government school teachers to and from work as well as Buddhist monks collecting alms in the morning. They also carry out development projects and to, a much lesser extent, capture suspected militants.¹³

Prime Minister Abhisit has said that success should be defined by the ability to maintain security while withdrawing troops.¹⁴ The then-Army Commander Gen. Anu-

an usually large number. Statistics from the army bomb disposal unit made available to Crisis Group and Crisis Group telephone interview, army bomb squad official, 29 October 2010.

¹⁰ There were two unsuccessful car bombs in 2010. On 11 August, a bomb hidden in a car's trunk exploded near a commercial bank in Narathiwat's Ruesoh district after bomb disposal officers cordoned the area. There were no casualties. On 12 September, a bomb in a 15kg cooking gas tank was hidden in a pick-up truck which was parked in a crowded area of the border tourist town of Narathiwat's Su-ngai Golok district but it malfunctioned. Information from army documents made available to Crisis Group.

¹¹ There are about 9,000 paramilitary rangers under the seven-regiment Ranger Force of the Fourth Army Region.

¹² The 15th Infantry Division is being established as a permanent force to handle security problems in the Deep South. The division is based in Pattani and is expected to have a combined force of around 10,000. The establishment of this new division, approved by the government in 2005, has yet to be completed. As of this writing, some 7,000 troops deployed in the Deep South are affiliated to this division. They work alongside soldiers mobilised from other regions on a one-year rotation. Under the current structure, commanders of provincial task forces are from all of Thailand's four army regions: the 1st army region (from central Thailand) takes charge of Narathiwat, the 2nd army region (from the North East) of Pattani, the 3rd army region (from the North) of Yala and the 4th army region (based in the South) of four districts in Songkhla. Crisis Group telephone interview, Maj. Gen. Chamlong Khunsong, Fourth Army Region's deputy commander, 21 October 2010. Also see Crisis Group Briefing, *Thailand: Political Turmoil and the Southern Insurgency*, op. cit., p. 6.

¹³ Crisis Group interview, senior military commander, Narathiwat, 10 August 2010.

¹⁴ Press conference by Prime Minister Abhisit Vejjajiva at the ISOC's Fourth Region, Pattani, 17 January 2009.

pong Paochinda, who retired in October 2010, disagreed with the idea of reducing the number of soldiers until other government agencies are ready to provide security.¹⁵ To pave the way for force reductions, the government should increase the number of police officers and build their capacity. By some estimates, districts in the South have half as many police as should be assigned to them.¹⁶ While the situation may not warrant large-scale withdrawal of troops, the government could identify areas where the level of violence is minimal and begin to scale down their number and deploy more police. It should also provide more resources and training to other civilian defence volunteers. Labour-intensive tasks, such as providing security for government school teachers, should gradually be transferred to police or civilian defence groups to reduce demand for soldiers.

B. CONTINUING ATTACKS ON SOFT TARGETS

Public school teachers remain a prime target of insurgent attacks. Insurgents perceive them to be government agents who indoctrinate students with ideas alien to Malay Muslim culture. For years, security forces have escorted them to and from schools. The latest school closure took place in Narathiwat after a husband and wife, both Buddhists and primary school teachers, were shot dead in the province's Ra-ngae district on 7 September.¹⁷ Their deaths brought the number of teachers killed since 2004 to 109. In 2010, ten have been murdered up to October, compared to thirteen in all of 2009.¹⁸

¹⁵ “ไฟใต้ในสายตา ผบ.ทบ. หัวใจเรียกร้อง ถอนทหาร-เจรจา-เขตปกครองพิเศษ”, ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 22 สิงหาคม 2010 [“Southern fire in the eyes of army chief; fears demands on troop withdrawal, negotiations, special administrative zone”, Isra News Agency southern desk, 22 August 2010].

¹⁶ One military source said there should be about 200 police officers in each district, but each police station in the southern-most provinces has an average of 100-110 officers assigned to it. Crisis Group interview, military officer, Narathiwat, 11 August 2010.

¹⁷ “สลด! ครูสองสามีภรรยาถูกยิงเสียชีวิตที่ระแงะ แกนนำนัดลดด่วน 7 ปี 135 ศพ – พี่นเงื่อนใจหุดโรงเรียน”, ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 7 กันยายน 2553 [“Sad! Teachers shot dead in Ra-ngae, meeting called to discuss 135 teachers killed in seven years to prevent school closure”, Isra News Agency southern desk, 7 September 2010].

¹⁸ There were twelve teachers killed in 2008, 22 in 2007, 21 in 2006, 22 in 2005 and nine in 2004. Another 26 school employees have been killed since 2004. Information from the Education Ministry's Office of Strategy Management and Education Integration No. 12 in Yala made available to Crisis Group. The numbers used in this report exclude school employees and hence, are slightly lower than figures often cited in the media.

Insurgents also often burned down schools but arson has been reduced by community surveillance. It is also possible that the insurgents gave up this tactic. Only four schools were torched in 2010 up to October after sixteen attacks in all of the previous year. Since 2004, a total of 327 schools have been deliberately destroyed by fire, 166 in 2007 alone.¹⁹

Violence has seriously disrupted education in government schools. Many teachers have asked to be transferred and many school days are lost as a result of attacks.²⁰ Some schools, particularly in remote areas, also face declining enrollment.²¹ Buddhist students follow their parents, who move because of safety concerns; Malay Muslims send their children to private Islamic schools, which increasingly are also offering primary education.²² This trend is worrying as it reinforces the segregation of Muslims and Buddhists, undermining already tense communal relations.

Other targets are Buddhist civilians, thousands of whom have fled. While Thailand is a predominantly Buddhist country, they are the minority in the three southernmost provinces, constituting about 30,000 of a population of 1.8 million.²³ Several attacks against Buddhist civilians took place in 2010. In April, six villagers who gathered forest produce for sale were shot dead in Narathiwat's Bacho district.²⁴ In the same district, ten assailants shot dead four villagers – 83 year-old Chuen Khonphet, his

wife, daughter and son-in-law – and set their houses on fire on 19 September.²⁵ Between May and June, several Buddhists stepped on landmines in rubber plantations in Yala's Than To district in what the authorities believe was an organised attempt to force them to sell their land.²⁶

In a coordinated attack, fourteen bombs – mostly improvised mines – that were planted in Buddhist-owned rubber plantations in various areas exploded on 25 October, injuring twelve Buddhists, three police officers and two Muslim villagers. Most of the victims suffered leg injuries.²⁷ The attack appears to have been intended to mark the death of 85 Malay Muslims protestors in the Tak Bai incident which took place six years ago.²⁸

C. CROSS-BORDER DEVELOPMENTS

Bangkok has long been concerned over links between southern militants and groups in Malaysia and Indonesia. The Thai military believes militants used Indonesia as a base for recruitment, indoctrination and military training before the 2004 resurgence of violence. Given the proximity as well as cultural and historical ties, Malaysia is believed to be a safe haven and a base for planning attacks and conducting training.²⁹ Thai separatist old guards have long resided in Malaysia.³⁰ Although there is some evidence that insurgents have used Malaysia and Indonesia as bases of support, there is no evidence linking them to jihadist groups in these countries.

During the Thaksin years, relations between Thailand and Malaysia reached their lowest ebb in decades. Thaksin repeatedly claimed that southern militants were using Malaysia to prepare attacks and, at one point, said that training camps were operating secretly in the jungle in the northern state of Kelantan.³¹ His public statements

¹⁹ Information from the Education Ministry's Office of Strategy Management and Education Integration No. 12 in Yala made available to Crisis Group.

²⁰ For a more detailed discussion of the insurgency's impact on education in the Deep South, see "Targets of Both Sides; Violence against Students, Teachers, and Schools in Thailand's Southern Border Provinces", Human Rights Watch, September 2010.

²¹ Crisis Group interview, public school teacher, Pattani, 17 August 2010.

²² Most private Islamic schools only offer secondary education. See Crisis Group Report, *Recruiting Militants in Southern Thailand*, op. cit., p. 3.

²³ There is no credible record of the number of Buddhists currently residing in the Deep South. Thousands of Buddhists are believed to have fled since 2004. According to the National Statistical Office's 2000 population and housing census, there were about 361,000 Buddhists and 1,309,000 Muslims in the three southernmost provinces of Pattani, Yala and Narathiwat. Official population statistics show that the number of Buddhists in Narathiwat decreased from 55,553 in 2009 to 53,419 in 2010, while Muslims increased from 397,339 to 401,438. In 2010, Buddhists constitute about 12 per cent of the population, while Muslims made up 88 per cent in the province. Statistics from Narathiwat Provincial Authority's Community Development Bureau made available to Crisis Group.

²⁴ "ระอุ! ไร่อาทัก-เอม 16 ถล่มพรานหาของป่า 6 ศพ", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 1 เมษายน 2553 ["Six forest gatherers killed", Isra News Agency southern desk, 1 April 2010].

²⁵ "ได้เหยียบ - บุกฆ่า 4 ศพ", ข่าวสด, 20 กันยายน 2553 ["Southern brutality – four killed", *Khao Sod*, 20 September 2010].

²⁶ "คำ 2 ปมเบื้องลึกที่ธารโด... สืบสวนขาง- เล่นงาน จนท. ชั่ว", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 21 มิถุนายน 2553 ["Two possible reasons for bomb increase in Than To: land grabbing and targeting officials", Isra News Agency southern desk, 21 June 2010].

²⁷ Two mines were defused. A retired police officer was shot dead on that day. Information from Internal Security Operations Command's Incident and Emergency Notification Centre made available to Crisis Group, 25 October 2010.

²⁸ For details of the Tak Bai incident, see fn. 121.

²⁹ For an in-depth examination of the role of Malaysia and Indonesia in Thailand's southern insurgency, see Anthony Davis, "Borderline Support – Malaysia and Indonesia Aid Thai Insurgency", *Jane's Intelligence Review*, 16 July 2010.

³⁰ See Joseph Chinyong Liow and Don Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency* (Sydney, 2010), p. 77.

³¹ "Premier fingers Indonesians", *The Nation*, 19 December 2004.

implied that Kuala Lumpur turned a blind eye to these activities.³² Bangkok complained about its neighbour's inaction, particularly regarding its requests for the hand-over of suspected ringleaders. Malaysia responded by saying that information provided by Thai authorities was vague and unreliable.³³ Malaysia has been wary of extraditing militants since the death of a suspect it handed over in 2003. The man, alleged to have been a leader of an insurgent group, was shot dead by Thai police apparently while trying to escape. The circumstances under which he was killed have not been fully explained.³⁴

A month after the 2006 coup, the Surayud government attempted to mend fences and boost cross-border coordination by setting up two task forces that reported to each prime minister.³⁵ This special mechanism worked to enable the repatriation of 131 Malay Muslims who had fled from southern Thailand to Malaysia in August 2005 and to explore the possibility of dialogue with the militants.³⁶ With the change of political leadership in Malaysia in April 2009, both task forces ceased to operate after the new Malaysian Prime Minister Najib Razak disbanded his group in December of that year apparently to remove a legacy of his predecessor. The same month, he made a one-day visit to southern Thailand with his counterpart Abhisit, the first such high-level visit since 2004. In a joint statement, the leaders "condemned the perpetration of violence by individuals and ill-intentioned groups against innocent civilians in the southernmost provinces,

particularly women and children". Kuala Lumpur reaffirmed its support for a resolution of the conflict by peaceful means.³⁷

Only a week later, the first hard evidence that supported Bangkok's claims of an insurgent safe haven in Malaysia emerged. Malaysian police arrested three Thai Muslim men from Narathiwat with explosives in a house near the border.³⁸ Police from the Kelantan Criminal Investigation Department, with local media in tow, raided a rented house in Gebeng village in Pasir Mas district on 14 December 2009 expecting to find drugs. Instead, they discovered bomb-making material including some 160 sticks of dynamite, metal boxes, fire extinguisher tanks, ammonium nitrate, mobile phones, remote control devices and 248 rounds of ammunition.³⁹

The three men were charged with possession of explosives as well as possession of firearms and ammunition.⁴⁰ The first carries the maximum penalty of death and the second a maximum sentence of seven years. All denied any involvement with the materials found in the house. According to a Thai police officer who interrogated the accused, one claimed to be visiting, the other two said the materials belonged to a friend who had rented the house and then been killed by Thai security forces in Narathiwat a few months before.⁴¹

Some Thai officials see the verdict of this trial as a "test case" of Malaysia's sincerity in tackling the violence.⁴² They are watching to see if and how harshly the three alleged offenders will be punished. In addition, they expect Malaysia to hand over one of the men for whom Thai authorities have an arrest warrant.⁴³ The trial began in early 2010 and is expected to take one to two years.

³² See John Funston, "Thailand's Southern Fires: The Malaysian Factor", UNEAC Asia Papers, No. 26 (2008), pp. 55-67.

³³ Crisis Group interview, Tan Sri Mohamed Jawhar Hassan, chairman of the Institute of Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur, 16 March 2010.

³⁴ Kuala Lumpur handed over Manase Jeh-da, aka Nase Saning, after he was arrested in the northern state of Trengganu. Thai authorities believed Manase was an operation chief of separatist group Gerakan Mujahideen Islam Pattani (GMIP). He is said to have escaped custody and been shot dead by Thai police in Pattani's Nongchik district in August 2003, days after the hand-over. On the same day, police also shot dead Mahama Mae-roh, believed to be another key leader of the GMIP, in a gunfight. Information on Mahama's whereabouts is believed to have come from Manase. Don Pathan, "Battle is on for hearts and minds in the South", *The Nation*, 12 January 2004.

³⁵ Malaysia's special force was called Task Force 2010 and Thailand's Task Force 960.

³⁶ Crisis Group interview, Gen. Kasem Yuktavira, head of the now-defunct Task Force 960, Bangkok, 19 February 2010. The 131 Muslims claimed that their lives were under threat. Kuala Lumpur, with the assistance of the United Nations High Commissioner for Refugees, has provided shelter for them for years. Task Force 960 worked to convince Kuala Lumpur that their safety would be guaranteed if they returned. They were eventually repatriated in April 2009. This effort also led to a meeting between Surayud and the old generation of separatist leaders in Bahrain in late 2007.

³⁷ "The fourth annual consultation between the Prime Minister of the Kingdom of Thailand and the Prime Minister of Malaysia", press statement, Bangkok, 8 December 2009.

³⁸ "Home-made bombs found, 3 aliens held", *New Straits Times*, 15 December 2009.

³⁹ Crisis Group interview, special branch police, Pattani, 1 March 2010. Also see Anthony Davis, "Borderline Support – Malaysia and Indonesia Aid Thai insurgency", *Jane's Intelligence Review*, 16 July 2010.

⁴⁰ The three Malay Muslims arrested were Mohd Khari Seman, 27, Mat Yunai Che Dolah, 32, and Mohd Sedek Ali, 37. See "Thais charged with trafficking bombs", *New Straits Times*, 25 February 2010.

⁴¹ Crisis Group interview, special branch police, Pattani, 1 March 2010.

⁴² Crisis Group interview, diplomat, Pattani, 28 February 2010.

⁴³ Thai authorities have issued an arrest warrant for Mohd Khari, who fled Thailand in 2007. He was arrested after the authorities raided Islam Burapha, a private Islamic school, in 2007. The school was closed after the raid uncovered a large number of explosives. Mohd Khari escaped from a hospital bed after being

Kuala Lumpur fears that the violence could spill across the border and that involvement of foreign extremists could transform the ethno-nationalist struggle into a transnational jihad.⁴⁴ While Kuala Lumpur has clearly stated that it wishes to see the end of southern conflicts and is willing to help should Thailand ask, it needs to avoid being seen to be conspiring with the Buddhist state against fellow Malay Muslims.⁴⁵ Malaysia has previously attempted to facilitate talks with the insurgents, such as the Langkawi Process, but this failed to bear fruit.⁴⁶ Bangkok has been reluctant to see Kuala Lumpur as an honest broker; the countries have a lot of baggage going back to the support each gave to the other's insurgency during the communist era between the 1960s and 1980s.⁴⁷

III. EXPLORING POLITICAL SOLUTIONS

Although the number of attacks has declined in recent years, the insurgency has not been defeated by military means. The government has not made progress in addressing the political grievances of Malay Muslims that fuel the conflict. While Prime Minister Abhisit pledged to seek a political solution, little headway has been made in translating words into actions. A major policy shift is unlikely while politics in Bangkok is so contentious and polarised, but there are two developments that might offer some hope. First, a "unilateral suspension of hostilities" quietly began after members of two key insurgent groups, acting under an agreed joint framework, arranged a temporary cessation of attacks in Narathiwat province. Second, government agencies have worked out details of a quasi-amnesty policy under a provision of the Internal Security Act. The measure, drawing on tactics used to end

temporarily allowed to leave where he was being detained to receive medical treatment. Crisis Group interviews, diplomat, Pattani, 28 February 2010; and special branch police, Pattani, 1 March 2010.

⁴⁴ See Liow and Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency*, op. cit., p. 79.

⁴⁵ Ibid; and Crisis Group interview, Kamarudin Jaffar, PAS parliamentarian, Kota Baru, 26 February 2010.

⁴⁶ See discussion about the Langkawi Process between 2005-06 in Liow and Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency*, op. cit., pp. 85-88. In 2008, Indonesia's then-Vice President Jusuf Kalla attempted to facilitate talks between Thai officials and insurgent representatives in the so-called "Bogor talks", but it was aborted after the media broke news of the talks.

⁴⁷ From the 1960s to 1980s, Kuala Lumpur provided covert support for Malay Muslim resistance against Thailand, while Bangkok supported the Communist Party of Malaya (CPM). Malaysia began cooperating with Thailand regarding the southern insurgency after the CPM surrendered in 1989. See John Funston, "Malaysia and Thailand's Southern Conflict", *Contemporary Southeast Asia*, 32, No. 2 (2010), pp. 238-240.

the communist insurgency in the 1980s, aims to entice militants to surrender.

A. UNILATERAL SUSPENSION OF HOSTILITIES

Unofficial talks, carried out by either the Thai military or third-party facilitators, have taken place in recent years between government and various insurgent representatives. None has come to fruition. One dialogue track, which began in 2006 and involved officials from the prime minister's special steering committee as well as the Patani United Liberation Organisation (PULO) and Barisan Revolusi Nasional-Coordinate (BRN-C, National Revolutionary Front-Coordinate), has made significant progress in 2010. These two insurgent groups signed an agreement on 5 January 2010 to foster a joint commitment to the search for a political process under an umbrella group known as the Pattani Malay Liberation Movement (PMLM).⁴⁸ This was a significant shift given BRN-C's previous ambivalence towards dialogue.⁴⁹ The PMLM is not a new insurgent group and has no official status; it is better understood as the public vehicle for them to speak with one voice on these issues.⁵⁰ PULO is the main face at the dialogue table as BRN-C remains cautious about being exposed and prefers to have only a marginal presence.⁵¹

PULO, established in 1968, experienced a marked decline in numbers and influence since the late 1980s as a result of counter-insurgency operations and factionalism. The resurgence of violence in 2004 presented the group with an opportunity to revive itself and remain relevant. PULO's leaders live abroad, mostly in Malaysia and parts of the Middle East and Europe. This has allowed it to act as the political wing and public face of the movement. While PULO claims to have members on the ground who provide militants with information and logistical support, the group appears to have a limited role in the attacks.⁵² The military and independent analysts believe that the BRN-C controls a significant number of militants but whose operations are not always under its command. Even the attacks of those militants under the BRN-C are decentralised and fighters appear to have a high degree of autonomy.

On 10 June 2010, the PMLM implemented a one-month unilateral suspension of hostilities in Cho Airong, Yi-ngo

⁴⁸ Crisis Group email correspondence, source close to the PMLM, 20 September 2010.

⁴⁹ Liow and Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency*, op. cit., p. 89.

⁵⁰ Crisis Group interview, source close to the PMLM, 23 October 2010.

⁵¹ Liow and Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency*, op. cit., p. 89.

⁵² Ibid, p. 83.

and Ra-ngae districts in Narathiwat. Ending on 10 July, this was a significant step in efforts to demonstrate command and control over the militants in an effort to push forward dialogue with the government.⁵³ The government was informed in advance about the PMLM's plan which was carried out discreetly.⁵⁴ While Prime Minister Abhisit acknowledged that the suspension had taken place, he played it down, saying the result was "inconclusive".⁵⁵ During that period, local military officers were quietly instructed by their commanders to limit search and arrest operations.⁵⁶

PMLM had limited the scope of the ceasefire to "organised attacks on the security forces and attacks on government targets".⁵⁷ PMLM spokesman Kasturi Mahkota, who is also PULO's deputy leader and foreign affairs chief, called the ceasefire "successful" as only one bombing took place in the designated zone during this period.⁵⁸ On 18 June, a bomb attack on a police pick-up truck in Narathiwat's Cho Airong district slightly injured a police officer.⁵⁹ Kasturi explained that the attack was carried out by those outside PMLM's command, saying it is "not always possible to control [everybody]".⁶⁰

According to military data, there were other attacks during the ceasefire period not acknowledged by the PMLM. Crisis Group found that there were ten incidents in the three districts; three were classified as insurgency-related incidents, three normal criminal acts and four others remained inconclusive. Apart from the bombing in Cho Airong, the two other incidents classified as insurgency-related were the shooting of forest produce gatherers in Ra-ngae district on 23 June – which killed one Muslim and injured two others – and the killing of a retired police officer in Yi-ngo district on 5 July.⁶¹

Given the number of attacks during the ceasefire, it is also hard to argue that there was a significant reduction of violence in comparison to other months in 2010. Cho Airong and Yi-ngo have relatively low levels of violence with only one to two shootings or bombings per month, while Ra-ngae has more frequent attacks. To date, the bloodiest month in Ra-ngae in 2010 was May, with six shootings and one bombing resulting in two killed and eight injured.⁶²

The government has not demonstrated any serious interest in pursuing dialogue after the limited ceasefire. Prime Minister Abhisit told Crisis Group that the government would respond if there is a clear indication that these representatives can demonstrate a level of control that could stop militant violence.⁶³ The military publicly contested PMLM's claim of success.⁶⁴ According to a source close to PMLM, the group is ready to declare a province-wide ceasefire if the government is willing to discuss what it could "expect in return".⁶⁵ PMLM spokesman Kasturi stated that he was open to various options for the political future of southern Thailand, whether it is "independence, autonomy or federation".⁶⁶

Although dialogue with groups claiming to represent insurgents has been quietly carried out for some years, the military has never fully supported this approach. It believes formal negotiations with the insurgents are likely to elevate the status of the rebels and lead to independence. Other officers see talks as an intelligence-gathering activity and useful in their efforts to defeat the insurgents.

While Bangkok has taken an ambivalent stance on peace dialogues and insisted that the southern insurgency is an internal affair, it may be under pressure in light of the Organisation of the Islamic Conference's increasing efforts to assist the insurgent groups in preparing a political platform for talks.⁶⁷ In late 2010, the OIC organised simultaneous meetings with exiled insurgent leaders in Jeddah, Saudi Arabia and Kuala Lumpur, chaired by the OIC's secretary-general and another senior official respectively. The meetings were joined by the PULO, BRN-C, Barisan Islam Pembebasan Patani (BIPP) and

⁵³ PMLM media statement. In 2008, a similar proposal for a ceasefire was made by the PULO and BRN-C to the then-embattled government of Samak Sundaravej, which never responded. See Crisis Group Briefing, *Thailand: Political Turmoil and the Southern Insurgency*, op. cit., p. 10.

⁵⁴ Crisis Group email correspondence, Kasturi Mahkota, PULO's vice president and foreign affairs chief, 10 August 2010.

⁵⁵ Crisis Group interview, Prime Minister Abhisit Vejjajiva, Bangkok, 10 August 2010.

⁵⁶ Crisis Group interviews, military officers in Cho Airong and Yi-ngo district, Narathiwat, 13 August 2010.

⁵⁷ PMLM media statement.

⁵⁸ Nirmal Ghosh, "Thai rebels 'ready for talks with govt'", *Straits Times*, 10 August 2010.

⁵⁹ Information from the joint Civilian-Police-Military Command made available to Crisis Group.

⁶⁰ Crisis Group email correspondence, 10 August 2010. Also see Ghosh, "Thai rebels 'ready for talks with govt'", *Straits Times*, op. cit.

⁶¹ Information from the joint Civilian-Police-Military Command made available to Crisis Group.

⁶² Ibid.

⁶³ Crisis Group interview, Prime Minister Abhisit Vejjajiva, Bangkok, 10 August 2010.

⁶⁴ See for example, "No ceasefire at all as claimed by insurgents: ISOC", *The Nation*, 14 July 2010.

⁶⁵ Crisis Group email correspondence, source close to the PMLM, 20 September 2010.

⁶⁶ Ghosh, "Thai rebels 'ready for talks with govt'", *Straits Times*, op. cit.

⁶⁷ Crisis Group interview, Kasturi Mahkota, PULO's vice president and foreign affairs chief, 23 October 2010.

other senior exiled leaders.⁶⁸ Thailand may not be able to continue to dismiss international concerns and will need to make a serious commitment to talks.

B. SECTION 21: NEW POLITICAL TACTICS?

The military estimates there are about 7,000 Malay Muslims involved in the underground movement, of which 1,000 are “hardcore” members, with 2,000 assisting with political campaigns and attacks – such as laying spike nails on the road to deter pursuit by security forces. The rest are supporters.⁶⁹ It views the Internal Security Act’s Section 21 as a tool in a new “political offensive” that could entice disheartened militants to leave the movement and surrender.⁷⁰ The idea resembles the amnesty that helped neutralise the communist insurgency in the 1980s.

Section 21 allows the Internal Security Operations Command (ISOC) director, with the consent of a court, to drop criminal charges against a person alleged to have committed an offence that impacts internal security “as specified by the Cabinet”, if he/she surrenders. The alleged offender must show he or she committed the act while being led astray by others or in ignorance. Giving such individuals a second chance must “benefit the maintenance of security of the Kingdom”. In return, surrenderees will undergo up to six months of “training” – a reverse indoctrination program conducted by the military.

Although the Internal Security Act was imposed in four districts in Songkhla – Chana, Thepha, Saba Yoi, Nathawi – in December 2009, the implementation of the quasi-amnesty provision has been delayed by a lack of clear procedures. The military, police and judiciary have since developed guidelines but the cabinet has not yet approved the list of applicable offences. In August, the National Security Council signed off on a list previously proposed by the justice ministry and forwarded it to the cabinet.⁷¹

It includes serious charges commonly used against suspected insurgents such as criminal conspiracy and terrorism. The provision is expected to be approved and in use by early 2011.

A four-step screening mechanism has been created to process alleged offenders seeking rehabilitation. First, a committee headed by the Songkhla Task Force commander will meet the alleged offender’s family members, lawyers, or civil society groups, who will arrange for the person’s surrender. Second, a police investigation team, assisted by justice ministry officials, will gather evidence on offences committed. Third, another panel led by the Southern Border Provinces Administrative Centre (SBPAC) legal aid units, known as the “community justice” network, will concurrently seek the consent of victims, their family and communities. Last, these reports will be submitted to a screening body headed by the Songkhla Task Force commander and including police, SBPAC, public prosecutors and the alleged offender’s lawyer.⁷² If approved, a recommendation would be sent to the ISOC’s director, a position held by the prime minister, for his consideration.⁷³ If the director agrees, the prosecutor would file the case for dismissal in court and, with the consent of a judge, the person would undergo training; any criminal proceedings would end.⁷⁴

From the military’s perspective, fugitive militants may be encouraged to return home and surrender, thereby weakening the movement.⁷⁵ A number of insurgency-related warrants for suspects have been issued under the emergency decree. This law allows authorities to issue warrants with less evidence for “suspects” (*phu tong songsai*) as opposed to the higher standards required for “alleged offenders” (*phu tongha*) under the criminal code. Many Malay Muslims wanted for questioning under such warrants are on the run, although they are not necessarily involved in the insurgency.

⁶⁸ “OIC to take up issue of militancy in South”, *The Nation*, 1 November 2010. The BIPP (Patani Islamic Liberation Front), an insurgent group originally formed in 1959 to fight for an independent state, which was then called Barisan Nasional Pembebasan Patani (Patani National Liberation Front – BNPP). The name was changed in 1986. Several separatist old guards affiliated to the BIPP live in Malaysia and may communicate with the current insurgents.

⁶⁹ “ไฟใต้ในสายตา ผบ.ทบ. หัว้นชื่อเรียกเรื่อง ถอนทหาร-เจรจา-เขตปกครองพิเศษ”, ศูนย์ข่าวภาคใต้ สถาบันอิศรา, [“Southern fire in the eyes of army chief; fears demands of troop withdrawal, negotiations, special administrative zone”, Isra News Agency southern desk], op. cit.

⁷⁰ Crisis Group interview, Maj. Gen. Udomchai Thammasarat, then-deputy commander of the Fourth Army Region, Pattani, 14 August 2010.

⁷¹ Crisis Group interviews, senior military officers, Pattani, August 2010.

⁷² This proposal has been sent to the National Security Council, Office of the Attorney General and Office of the Court of Justice. Their approval is needed before the measure could be implemented. Crisis Group interviews, SBPAC senior officer, Pattani, 10 August 2010; legal officer attached to the ISOC, Bangkok, 21 August 2010.

⁷³ It is unlikely that the prime minister would be able to examine every case by himself, but it is unclear if and who he will delegate his power to. Crisis Group interview, staff judge advocate attached to the ISOC, Bangkok, 21 August 2010.

⁷⁴ The court’s decision does not revoke the victims’ rights to file a lawsuit against the alleged offenders, should they wish to do so. Crisis Group interview, legal officer attached to the ISOC, Bangkok, 21 August 2010.

⁷⁵ Crisis Group interviews, senior military commanders, Pattani and Bangkok, August and September 2010.

Victims of violence and their relatives have questioned the program as those who have committed grave crimes could receive pardons in exchange for a six-month training program.⁷⁶ Alleged offenders are concerned that the information they provide may be used against them if the prosecution of their cases is not dropped and they are eventually tried in court.⁷⁷ Human rights advocates fear those joining the program might be forced to confess to crimes that they did not commit and view the six-month training as “administrative detention”.⁷⁸ Even the security forces have reservations as they fear insurgents might use this program to clear themselves and then rejoin the insurgency.⁷⁹

When the rehabilitation program is implemented in four districts in Songkhla, its reception locally will be the key to its success. Martial law and the emergency decree are both enforced in Pattani, Yala and Narathiwat. If the Internal Security Act, particularly the provision under Section 21, is seen to be effective, this could encourage the replacement of the emergency decree with this law. The quasi-amnesty policy alone is unlikely to be a lasting solution as long as the larger socio-political problems, including demands for a greater expression of cultural identity, remain unaddressed. If more moderate elements are to be encouraged to renounce violence, it will be necessary to provide ways to channel their aspirations and grievances through a peaceful political process.

C. THE AUTONOMY DEBATE

Successful conflict resolution involving secessionist movements often includes providing some form of autonomy to the disputed region. Reform of administrative structures to enhance the power of locals to manage their own affairs could be an effective conflict management mechanism in the South. The Thai government has dismissed autonomy as a first step towards independence, believing it would violate a core principle of the unitary Thai state.

Discussion of autonomy was taboo for decades but since Abhisit took power, space for debate has opened. In October 2009, Malaysian Prime Minister Najib Razak remarked that Thailand should grant a degree of autonomy to the Deep South to quell the insurgency. Following this, Chavalit Yongchaiyudh, chairman of the opposition Puea

Thai party, said an autonomous region like “Pattani city” should be established to allow Malay Muslims more control over local affairs.⁸⁰

Rhetoric aside, there has been no movement by the government on this issue. The same old argument that the establishment of a “special administrative zone” would violate the principle of a unitary state still prevails.⁸¹ There has been little effort to explore any possibility for some form of autonomy within the scope of the constitution. The polarised political climate in Bangkok is not conducive to open discussion. Backlash could come from the nationalist Yellow Shirts, similar to the way that they recently whipped up an outcry against Cambodia’s proposal to develop the disputed area around the Preah Vihear temple.⁸² The government would not want to hand the Yellow Shirts another issue while it is also coping with the fallout from its violent crushing of Red Shirt demonstrations in Bangkok.

The military has shown little support for a special administrative zone. Former army commander Gen. Anupong Paochinda questioned whether granting autonomy would end the conflict. He noted “it is dangerous to change the administrative structure under this volatile situation”.⁸³ Some in the military are also concerned that it could set a precedent for other regions to make similar demands. Bangkok is perhaps more fearful of losing control than ever while the Red Shirt movement remains forceful and defiant, particularly in the North and North East. Until there is political stability at the centre, it is difficult to expect any government, even if it has the will, to invest political capital on an issue that is still marginal in Thai politics.

⁸⁰ Crisis Group Report, *Southern Thailand: Moving Towards Political Solutions?*, op. cit., p. 17.

⁸¹ Crisis Group interview, Panitan Watanayagorn, deputy permanent secretary to the prime minister and acting government spokesman, Bangkok, 29 September 2010.

⁸² In August, the Yellow Shirts held rallies in Bangkok against Cambodia’s submission of a management plan for the Preah Vihear temple to the World Heritage Committee, which, the Yellow Shirts claim, includes the disputed 4.6 sq km area around the temple. The protest put the government in a difficult position. It had to negotiate with the Yellow Shirts not to hold rallies outside the Government House. If they were allowed, the government could be seen as applying a “double standard” as it continued to ban the Red Shirts from protesting. The Yellow Shirts later moved to an indoor stadium, where Abhisit appeared and clarified the government’s stance. The World Heritage Committee has decided to postpone the decision until next year’s meeting.

⁸³ “ไปได้ในสายตา ผบ.ทบ. หัวน้ช้อเรียกกร้อง ถอนทหาร-เจรจา-เขตปกครองพิเศษ”, ศูนย์ข่าวภาคใต้ สถาบันอิศรา, อ้างแล้ว, [“Southern fire in the eyes of army chief; fears demands of troop withdrawal, negotiations, special administrative zone”, Isra News Agency southern desk], op. cit.

⁷⁶ Crisis Group interview, SBPAC senior officer, Pattani, 10 August 2010.

⁷⁷ Crisis Group interview, Muslim lawyers defending cases for suspected insurgents, Bangkok, 10 July 2010.

⁷⁸ “Thailand’s Internal Security Act: Risking the Rule of Law?”, International Commission of Jurists, 2010, pp. 44-57.

⁷⁹ Crisis Group interview, staff judge advocate attached to the ISOC, Bangkok, 21 August 2010.

While politicians are preoccupied with other domestic conflicts, a network of Thai academics and civil society groups has conducted surveys in the South, asking people what form of administration they think best suits their needs.⁸⁴ They are exploring possible options within the framework of the unitary Thai state and plan to gather the 10,000 voter signatures required to submit a bill to parliament.⁸⁵ This bottom-up approach could push the agenda forward and force the government to respond.

IV. NEW LEGISLATION TO EMPOWER SBPAC

One of the key policies of the government has been to enact a law allowing the Southern Border Provinces Administrative Centre (SBPAC) to operate independently from the military-controlled Internal Security Operations Command (ISOC).⁸⁶ This initiative is designed to empower a civilian body that would be a central agency in overseeing policy on administration and development in the five southernmost provinces.⁸⁷ The military has long opposed such a step as the body would undermine its power and take away its control of the substantial development budget. The forthcoming law would restructure government operations and clearly delineate the responsibility of the military and the SBPAC. The army's role would be limited to security operations, while SBPAC would be responsible for development and justice. SBPAC's subordination to ISOC has created distrust of the agency as well as slowed down decision-making. Under the existing arrangement, each SBPAC budget or project needs ISOC approval.⁸⁸

Cabinet approved the SBPAC bill in August 2009 and parliament accepted it for deliberation in November that

year.⁸⁹ After Bangkok was crippled by political turmoil, many doubted the bill would be passed under this government. The Abhisit administration survived and the House of Representatives approved the bill in August and the Senate did as well in October.⁹⁰ The bill passed the parliament in early November. It is expected to be promulgated in the next few months after receiving royal endorsement.⁹¹

In the parliament-approved draft, SBPAC's new structure would resemble a small ministry. It would be headed by a secretary-general who would be chosen from senior bureaucrats at the level of permanent secretary, who would report directly to the prime minister.⁹² This would raise the stature of the body and flatten the decision-making hierarchy. In theory, this should allow problems to be resolved quickly and efficiently.

The bill stipulates that a "Strategic Committee on Development in the Southernmost Provinces" would be set up to approve strategies proposed by SBPAC. This committee, headed by the prime minister and comprising several ministers, would include civilian representatives from the southernmost provinces.⁹³ The bill also empowers SBPAC's secretary-general to discipline and transfer misbehaving "civilian" officials, including police officers.⁹⁴

This was one of the most important functions of SBPAC before it was dissolved by Thaksin in 2002.⁹⁵ Since it

⁸⁴ Crisis Group interview, Srisompob Jitpiromsri, political scientist at Prince of Songkhla University at Pattani and coordinator of Deep South Watch, 11 August 2010. The network comprises several academics and local NGOs, including Deep South Watch, King Prajadhipok Institute, Network of 25 Civic Groups, Political Development Institute and Foundation of Southern Muslim Culture.

⁸⁵ The 2007 Constitution's Section 163 states that no less than 10,000 eligible voters could submit a petition for the parliament to consider a bill.

⁸⁶ For previous developments relating to the bill, see Crisis Group Report, *Southern Thailand: Moving Towards Political Solutions?*, op. cit., pp. 7-8.

⁸⁷ Crisis Group interview, Prime Minister Abhisit Vejjajiva, Bangkok, 10 August 2010. The bill also covers areas not affected by the insurgency in Songkhla and Satun.

⁸⁸ Crisis Group Report, *Southern Thailand: Moving Towards Political Solutions?*, op. cit., pp. 7-8.

⁸⁹ Ibid, p. 8.

⁹⁰ "สภาผ่านร่าง สบ.บค. วาระ 3 หลังอภิปรายนานกว่า 5 ชั่วโมง", มติชนออนไลน์, 4 สิงหาคม 2553 ["Parliament approves SBPAC bill after 5 hours of discussion", Matichon (Online), 4 August 2010]. Crisis Group telephone interview, Worawit Baru, senator, 1 November 2010.

⁹¹ Crisis Group telephone interview, official of the House of Representatives' secretariat, 3 November 2010.

⁹² See Section 8 and 14 of the draft bill approved by the Senate. The Senate-approved bill can be found at http://library2.parliament.go.th/giventake/content_hr/d102053-03.pdf. This draft was later approved by the parliament on 3 November 2010.

⁹³ See Section 6 of the draft bill approved by the Senate.

⁹⁴ See Section 12 of the draft bill approved by the Senate.

⁹⁵ The SBPAC was originally set up in 1981 to enhance consultation with Malay Muslims, tackle corruption and reduce prejudice among officials in the Deep South. It was dissolved by Thaksin in 2002. Surayud revived the SBPAC, along with the joint Civilian-Police-Military Command in 2006. They were the two main bodies handling the southern insurgency until Thaksin dissolved them. Surayud also bolstered the ISOC, a counter-insurgency agency created to fight the communists in the 1960s, to oversee security policy. The SBPAC and the CPM both report to the ISOC. In light of the expected passage of the SBPAC law, the ISOC dissolved the CPM in October 2010 to flatten the line of command for security operations. Crisis Group telephone interview, Maj. Gen. Chamlong Khunsong, Fourth Army Region's deputy commander, 27 October 2010.

was revived in 2006, SBPAC has not been able to transfer officials effectively because decisions needed to be approved by a committee co-chaired by its secretary-general and the military commander of the joint Civilian-Police-Military Command, a branch of ISOC in charge of security operations. In most cases, SBPAC investigated complaints of alleged misconduct and informed the officer's affiliated units. The military is exempt from review by civilian authorities. This protection of the military from scrutiny has encouraged impunity.

The military fought hard against the bill, particularly when it seemed possible the rangers could be disciplined by this civilian agency. In the lower house-approved bill, Section 3 stipulates that "civilian" officials excludes "serving soldiers, prosecutors, Islamic judges and judges". At the upper house committee hearing, senators who were retired military and serving army officers invited to discuss it lobbied for changes to this provision. They proposed "serving soldiers" be changed to "the military" to cover the rangers, who are hired by the army but are not considered regular soldiers. The revision was made to the parliament-approved bill.⁹⁶

The bill also appears to enhance the power of, and grant specific roles to, the 49-member SBPAC advisory council made up of representatives of local government, provincial Islamic councils, private Islamic and government schools, business and the media.⁹⁷ The council would evaluate SBPAC's work and report its findings directly to the secretary-general and the prime minister as well as provide input on the transfer of officials. It would also have the authority to summon civilian officials alleged to have mistreated people.⁹⁸ It would empower the advisory council, some of whose members feel that they have little power to push SBPAC to heed their advice. The existing council was created in accordance with a prime ministerial order to revive SBPAC in 2006.⁹⁹

SBPAC is currently managing projects under the "Special Development Plan for the Five Southern Border Provinces". A three-year budget of 63 billion baht (\$2 billion) has been pledged for various government agencies. In the first fiscal year in 2010, 19.8 billion baht (\$644 million) was allocated for some 380 projects, with an emphasis on improving quality of life.¹⁰⁰ The goal is to increase annual

household income from 64,000 (\$2,080) to 120,000 baht (\$3,900). The merit of such costly development projects in resolving the insurgency remains questionable. A southern military commander argues that these government handouts, such as giving away fingerlings and ducklings to villagers, do not create sustainable economic growth in the area and rarely encourage entrepreneurship.¹⁰¹ Also, corruption in these projects could inadvertently increase anti-government resentment.¹⁰² Even if such efforts have, to some degree, improved the material well-being of Malay Muslims, the root cause of the conflict is not poverty. The insurgency is primarily driven by political grievances.

The slow passage of this bill shows that six years after the resurgence of violence, the government has just managed to put in place an effective structure for counter-insurgency operations. This is largely a result of weak and unstable civilian governments and the growing influence of the military in national politics. The post-coup political equilibrium has impeded the Abhisit government's plan to assert civilian control over operations. The enactment of the SBPAC law will enhance the role of civilians. It is crucial that the new mechanism ensures greater local participation and does not just transfer power from the military to the hands of national politicians.

V. JUSTICE

There has been little progress in the government's pledge to improve the state of justice in the South. The security forces continue to use torture even though senior commanders claim to have prohibited it. The failure to bring to trial any members of the security forces accused of serious human rights abuses feeds into the insurgents' narrative of "oppressive" and "unjust" Thai rule. This has been used as a potent recruitment tool.

A. TORTURE

As of September 2010, the independent Muslim Attorney Centre had recorded 41 cases of torture compared to 60 in the whole of 2009. Apart from physical assaults, the methods used leave no obvious marks on detainees' bodies. Methods used include inflicting mild electric shocks or

⁹⁶ See Section 3 of the draft bill approved by the Senate.

⁹⁷ See Section 20 of the draft bill approved by the Senate.

⁹⁸ See Section 24 of the draft bill approved by the Senate.

⁹⁹ The advisory council was set up according to the Prime Minister's Order 207/2549. Crisis Group telephone interview, member of the SBPAC advisory council, 7 September 2010.

¹⁰⁰ "มท.3 ฟุ้ง 6 เดือนคืบหน้าได้ลดอุบัติเหตุหลักๆเข้าใจ เข้าถึง พัฒนา", บ้านเมืองออนไลน์, 24 มิถุนายน 2553 ["Deputy interior minister claims success in solving southern conflicts for the last six months; using the principle of

'understanding-reach out-develop'", Ban Muang (online), 24 June 2010].

¹⁰¹ Crisis Group telephone interview, senior southern commander, 21 October 2010.

¹⁰² Crisis Group interviews, Malay Muslims involved in these projects, Pattani, August 2010. Several Malay Muslims told Crisis Group that district chiefs in some areas demand a cut in these development projects.

singeing skin with cigarette lighters, holding detainees in dark or refrigerated rooms, hitting them with sticks wrapped with cloth, or covering their heads with plastic bags.¹⁰³

Narathiwat resident Arobi Ruesah reported to a local army unit on 6 May after he was implicated in a November 2009 attack on the military. The following day, he was moved to the military's main detention and interrogation centre inside Ingkhayutthabariharn Camp in Pattani (known as the "Reconciliation Promotion Centre", RPC) and tortured.¹⁰⁴ On 14 May, he was presented with a letter to sign acknowledging that he had not been threatened or assaulted during his detention. He signed the letter and was released. Three months later, Arobi was shot dead in a gunfight with police in Narathiwat's Bacho district, together with Waheh Kadeng – whom the security forces believed was head of an insurgent military unit operating in the area. Police identified Arobi as Waheh's subordinate.¹⁰⁵

On 30 May, Sulaiman Naesa was found dead in his cell after allegedly committing suicide while in military custody. His family members and human rights advocates suspect that he might have been tortured or under severe pressure during the eight days he was detained prior to his death.¹⁰⁶ The military claimed that Sulaiman, who did not

complete his primary education and never studied at an Islamic school, was a member of the insurgency's armed wing and had confessed to being involved in fourteen shootings and killing nine people.¹⁰⁷

The military invited fourteen relevant agencies and individuals, including forensic experts, medical doctors, civil society groups and Sulaiman's father, to witness the forensic examination of the detention cell to dispel any suspicion over his death. They concluded Sulaiman had committed suicide.¹⁰⁸ His family and human rights advocates later disputed the claim publicly. In response to concerns raised by Sulaiman's death, the Fourth Army Region in charge of the South set up a fact-finding committee in July comprising relevant officials and representatives of civic groups. The committee will submit its finding to the southern army commander in the coming months.¹⁰⁹ A definitive finding may prove elusive as the body was buried without having undergone a full autopsy.¹¹⁰

While there was no conclusive evidence to prove that Sulaiman was tortured, a suspect held during the same period told human rights advocates that Sulaiman had recounted that he could not eat for four days due to the pain from the beating. This detainee also said he was tortured while interrogated.¹¹¹ Sulaiman's case has served to refo-

¹⁰³ Information from Muslim Attorney Centre made available to Crisis Group.

¹⁰⁴ Arobi reported he was punched several times in the nose, ordered to stand on a chair and stretch his arms for seven hours and hit by a cloth-wrapped stick when he fell. Army officers also covered his head with a plastic bag and kept him awake for four consecutive days. Details from an interview with Arobi Ruesah on 11 June 2010 by the Cross Cultural Foundation.

¹⁰⁵ Crisis Group interview, police officer in Crime Suppression Bureau, 13 September 2010; and Crisis Group telephone interview, a senior military commander in Narathiwat, 2 September 2010. Police believe that Waheh was responsible for the unsuccessful car bomb in Narathiwat's Ruesoh district on 11 August 2010. About a month after they were killed, four Buddhists were shot dead in their house in the same village where the gunfight occurred. Police believe it could be a retaliation attack. See "ตร.ลาดปรบ "แก้แค้น-ชิงสวนปาล์ม" ชนวนฆ่าหมู่ไทยพุทธ 4 ศพที่บาเจาะ", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 20 กันยายน 2553 ["Police identify revenge or attempt to seize palm plantation as motive for killing of four Buddhists in Bacho"], Isra News Agency southern desk, 20 September 2010].

¹⁰⁶ On 28 May, his mother observed he was wearing a cap and sports pants underneath a sarong, as if there was something to hide. When his sister visited him the next day, he could barely walk and appeared weak. Crisis Group interviews, family members of Sulaiman Naesa, Pattani, 16 August 2010. When discovered hanging from the window bars of his cell, his body had bruises on his thighs, blood dripping from his genitals as well as wounds on his neck, stomach and waist. Photographs of Sulaiman's body seen by Crisis Group. Also see, "ปกค้ำจากทุกฝ่าย...พิสูจน์เบื้องหลังการตายคาถ้ำทหาร", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 1 มิถุนายน 2553 ["Views from various parties; behind Sulaiman's

death in a military camp", Isra News Agency southern desk, 1 June 2010].

¹⁰⁷ Crisis Group interviews, officers of the Reconciliation Promotion Centre, Pattani, 15 August 2010 and army document made available to Crisis Group.

¹⁰⁸ When his body was found, Sulaiman's feet were touching the floor, raising doubts as to whether he had hung himself. Dr. Pornthip Rojanasunand, director of the Justice Ministry's Central Institute of Forensic Science, explained that evidence suggested that Sulaiman was still alive at the time of the hanging. Testing showed that there was no other DNA on the towel used in the hanging. There were no signs of resistance or a struggle that would be expected if he had been forcibly trussed up. She clarified that it was possible for a person to commit suicide even if his feet touched the floor. "หมอพรทิพย์แจงทุกประเด็น คดีตายปริศนา สุไลมาน แนซา", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 9 มิถุนายน 2553 ["Dr. Pornthip clarifies mysterious death of Sulaiman Naesa"], Isra News Agency southern desk, 9 June 2010].

¹⁰⁹ Crisis Group telephone interview, Waedueramae Mamingchi, chairman of the Islamic Council of Pattani and a member of the fact-finding committee on Sulaiman's case, 14 September 2010.

¹¹⁰ In keeping with Islamic tradition, the deceased was buried within 24 hours. In several cases, this practice has complicated investigations into the deaths in custody of Muslims.

¹¹¹ An interview with a detainee (name withheld) on 25 August 2010 by the Cross Cultural Foundation.

cus international attention on human rights abuses in the South.¹¹²

Suspected militant Mahkoseng Pohtae died in prison in August, apparently from injuries inflicted by torture over a year ago.¹¹³ Mahkoseng was arrested on 30 March 2009 at his home in Pattani's Yaring district for allegedly being a member of an insurgent cell. Held first by the military and then by police, by the time he was admitted to Yala Central Prison on 2 April and photographed, his face was swollen and there were severe bruises around his left eye.¹¹⁴ While in detention pending trial over the course of the year, Mahkoseng was in and out of hospital, suffering from chronic pain that his family and lawyer suspect was a result of the initial torture. On 11 August 2010, Mahkoseng died after being sent to a hospital for sudden chest pain.¹¹⁵

Even some senior army officers concede these incidents undermine the military's effort to win hearts and minds of Malay Muslims.¹¹⁶ While military commanders claim to strictly prohibit the use of torture during interrogations, they are not able to control every rank-and-file soldier. Existing regulations should be enforced and those found to have violated orders punished.

Sulaiman's death was the first in military custody since the case of Imam Yapha Kaseng in March 2008 (see below). Since Yapha's death, the military has set up new standard operational procedures to prevent torture. The ISOC has instructed local commanders to transfer suspects to the RPC within two days to prevent any mistreatment

during detention at district-based military task forces.¹¹⁷ In Narathiwat, officers must photograph suspects upon admission and military doctors perform medical check-ups before and after detention.¹¹⁸ Similar procedures should be implemented for all suspects to be held at the RPC and other detention and interrogation centres.

The International Committee of the Red Cross visited and monitored 648 detainees held in prisons in southern Thailand in 2009, although it does not have complete access to all facilities where insurgents are held.¹¹⁹ It has been seeking access to places of detention operated by the military and police, including the RPC. Improving scrutiny of practices in all places of detention would be a concrete step to address these problems. Human rights advocates also request that suspects held under martial law and the emergency decree be granted access to lawyers and be brought before the court in person at their seven-day detention review hearings.¹²⁰

B. JUSTICE DELAYED

The failure to bring to justice government personnel allegedly involved in severe human rights violations has reinforced resentment. No members of the security forces involved in the two notorious incidents in 2004 – the 28 April and Tak Bai incidents – have yet been prosecuted.¹²¹

¹¹²New York-based Human Rights Watch issued a statement that said, "Sulaiman's death raises concerns that soldiers are once again using torture and other illegal methods against detainees". "Allegations that suspected insurgent was tortured spark reprisal attacks", Human Rights Watch, 16 June 2010.

¹¹³"Lawyer demands probing into death of Yala detainee", *The Nation*, 12 August 2010.

¹¹⁴Mahkoseng was first held at Task Force 14 where he was put on a chair with both hands tied behind his back and beaten by about ten men. He was then transferred to a police station in Patae sub-district in Yala where about five police officers are said to have beat and kicked him, poured liquor into his mouth, and stripped him. He was later taken to an unknown location nearby where he was beaten again, most of the time while unconscious. Information from Muslim Attorney Centre made available to Crisis Group.

¹¹⁵Family members refused to take his body to a better-equipped hospital in Songkhla for an autopsy, making it difficult to determine the extent to which torture contributed to his death. "Lawyer demands probing into death of Yala detainee", *The Nation*, op. cit.; Don Pathan, "Some hearts will never be won in Thailand's tragic South", *The Nation*, 25 August 2010.

¹¹⁶Crisis Group interviews, military officers, Narathiwat and Pattani, 10-11 August 2010.

¹¹⁷Under martial law, the military may arrest suspects without a warrant and detain them without charge for up to seven days. The law is currently imposed, along with the emergency decree, in Pattani, Yala and Narathiwat. Yapha was tortured to death at the base of Task Force 39 in Narathiwat's Ruesoh district. Crisis Group interview, senior military commanders, Yala and Narathiwat, 11-14 August 2010.

¹¹⁸Crisis Group telephone interview, senior military commander in Narathiwat, 14 September 2010.

¹¹⁹"ICRC Annual Report 2009", International Committee of the Red Cross, May 2010, p. 233.

¹²⁰The emergency decree allows the military and police to detain suspects without charge for up to 30 days. Court approval for the extension of detention is required every seven days. It is a common practice in the Deep South that the extension is granted without suspects being present in court for the review hearing, which makes it difficult to ascertain whether physical abuses or torture had occurred. Crisis Group email correspondence, International Commission of Jurists, 26 October 2010. Sittipong Chandharaviroj, the Muslim Attorney Centre's director, also made these points at a seminar on "Effectiveness of Security laws in Responding to the Insurgency in the Deep-South", Bangkok, 11 October 2010.

¹²¹In the 28 April incident, popularly known as "Krue Se", 106 Malay Muslims died in clashes with security forces in eleven locations. Of these, 31 were killed when security forces stormed the Krue Se mosque in Pattani and nineteen were killed at Saba Yoi district in Songkhla. Many appeared to have been executed. During the Tak Bai incident on 25 October, 78 Muslims died from suffocation and injuries after the authorities rounded

Attempts to bring alleged perpetrators of other serious cases to justice have also faced obstacles and setbacks.

1. Al-Furqan mosque attack

In August 2010, police dropped charges against Sutthirak Khongsuwan, a former ranger and an alleged perpetrator of the Al-Furqan mosque attack.¹²² Police had issued an arrest warrant under the Criminal Code for Sutthirak for his alleged role in the 8 June 2009 incident in which unidentified gunmen fired at dozens of Muslims kneeling in prayer in Aipayae village mosque in Narathiwat's Cho Airong district, killing ten and injuring twelve.¹²³ The warrant was the first issued for a Buddhist in a security-related case in the South since 2004 and was used by the government as proof of progress.¹²⁴

Another warrant was issued under the emergency decree for Sutthirak's Muslim subordinate Lukman Lateh-bueing. While there was speculation that Buddhists working as *Or Ro Bor* (Village Protection Volunteers) in a nearby village may have been involved, no other warrants were issued. Police said they had tested the government-issued shotguns of *Or Ro Bor* in nearby villages to see if these weapons were used in the attack, but none matched.¹²⁵

Sutthirak turned himself in on 14 January 2010 but denied all charges.¹²⁶ Those close to the case said quiet negotiations were held with Sutthirak prior to his arrest.¹²⁷ It was likely not a coincidence that his arrest came a few days before a Thai delegation was scheduled to attend a

meeting of the OIC.¹²⁸ Thailand has been under pressure from the organisation, which issued a rare statement expressing "heartfelt regret" over the attack and called on the government to bring the perpetrators to justice.¹²⁹

Police have recommended the case be dropped, although prosecutors could pursue the investigation. If the case is not prosecuted, Thailand may find itself back on the OIC agenda. For the past two years, Bangkok has lobbied the OIC not to issue a separate country resolution, which would indicate the grouping has serious concerns over the South.¹³⁰

2. Death of Imam Yapha Kaseng

Legal technicalities have complicated and stalled prosecution of military officers involved in the death of Imam Yapha.¹³¹ Police consider the case as "malfeasance by state officials", which is in violation of the Criminal Code's Section 157 and thus, the case was required to be transferred to the National Anti-Corruption Commission (NACC).¹³² After two years, the NACC has yet to decide whether to recommend the case for prosecution. It appears that cases from the South submitted to the NACC have been delayed because there are several pending cases relating to the national political crisis.

In August 2009, Nima Kaseng, the slain preacher's wife, filed a criminal lawsuit against five soldiers and one police officer after the court's post-mortem inquest stated that soldiers were responsible for his death. It is the first

up some 1,300 protesters and packed them into military trucks. Seven others died of gunshot wounds at the protest site – in front of a police station in Narathiwat's Tak Bai district. A post-mortem inquest determined in May 2009 that the protesters died of suffocation and the security forces acted in line of their duties and in a justified manner. Based on the ruling, the public prosecutor did not file a case in court.

¹²² Crisis Group interview, police officer of Crime Suppression Bureau, Bangkok, 31 August 2010.

¹²³ See background on the Al-Furqan mosque attack in Crisis Group Report, *Southern Thailand: Moving Towards Political Solutions?*, op. cit., pp. 4-5.

¹²⁴ Crisis Group interview, Prime Minister Abhisit Vejjajiva, Bangkok, 10 August 2010.

¹²⁵ Crisis Group interview, police officer of Crime Suppression Bureau, Bangkok, 31 August 2010.

¹²⁶ "ผู้ต้องหาขโมยปืนไปเผาหมู่บ้าน 2 ศพ ยิง-ระเบิดอีก 2 จุด", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 14 มกราคม 2010 ["Suspect of Aipayae attack surrenders; violence in Pattani intensifies – two killed and burned, two shootings and bombings", Isra News Agency southern desk, 14 January 2010].

¹²⁷ Crisis Group interview, high-ranking civilian official working in the South, Pattani, 28 February 2010; police officer of Crime Suppression Bureau, Bangkok, 31 August 2010.

¹²⁸ See "จับจิ้งหะผู้ต้องหาขโมยปืนเผาหมู่บ้าน 2 ศพ ยิง-ระเบิดอีก 2 จุด", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 15 มกราคม 2553 ["Alleged perpetrator of mosque attack surrenders as part of Thai government's plan to appease Muslim world", Isra News Agency southern desk, 15 January 2010.]

¹²⁹ "OIC secretary general condemns killing of Muslim worshippers at mosque in southern Thailand", press release, OIC, 9 June 2009.

¹³⁰ Panich Vikitseth, foreign ministry vice minister, reportedly met Tajikistan President Emomali Rahmon and Foreign Minister Hamrokhon Zarifi at Bangkok's Suvarnabhumi airport to request southern Thailand be kept off the agenda of the OIC annual meeting hosted by Tajikistan in May 2010. "Govt opposes OIC talks on insurgency", *Bangkok Post*, 6 April 2010. PULO had lobbied the OIC to issue a separate statement on the South during its annual meeting in 2009. Achara Ashayagachat, "Finding it hard to explain southern unrest abroad", *Bangkok Post*, 5 July 2009.

¹³¹ He was beaten to death in military custody after being arrested under martial law in March 2008. See background on the case of Yapha Kaseng in Crisis Group Report, *Southern Thailand: Moving Towards Political Solutions?*, op. cit., pp. 14-15.

¹³² According to the 1999 Organic Act on Counter Corruption, Section 84, the NACC has a duty to inspect state officials alleged to have committed an offence of corruption or malfeasance.

case in the South where a victim's family has sought justice by filing a criminal lawsuit against officials alleged to have committed abuses. The Provincial Court of Narathiwat dismissed the case on 2 September 2010, ruling it fell under the jurisdiction of a military court.¹³³ Nima has appealed the decision. If her request for review is rejected, then her only option remaining is to wait until the NACC submits its recommendations to public prosecutors, who will then decide whether to take the case to the court. Civilians are not allowed to directly file lawsuits in military courts but the cases must be filed by military prosecutors.

3. Ban Bana incident

Many cases of alleged human rights violations by soldiers do not even make it to military courts. In what appears to be a landmark case, the trial of four soldiers began in April 2010 in a military court inside the Inghayutthabarihan Camp in Pattani in connection to the killing of two Muslim teenagers on 13 April 2007.¹³⁴ In Bana village in Pattani's Muang district, soldiers opened fire at a group of Muslim teenagers, mistaking them for insurgents. Two died and three were injured. The soldiers were patrolling the area after several public phone booths and telephone poles were torched. The survivors, who were shot as they ran away from the soldiers, said they were just playing hide and seek. The incident sparked an outcry from Muslim villagers in the area who blocked roads in protest.¹³⁵ The authorities later admitted the mistake and paid compensation.¹³⁶

Human rights advocates said the case had received extensive attention from southern Muslims and this had pres-

sured military prosecutors to bring it to court.¹³⁷ The trial is expected to last at least until 2011.

Even if a prosecution happens, the professionalism and fairness of the proceedings are questionable. Some sections in the 1955 Military Court Act compromise the basic principles of a fair trial. For example, a non-military plaintiff is not allowed to have his/her own lawyers and can only be represented by a military prosecutor.¹³⁸ In areas under martial law, such as the three southernmost provinces, the rulings of military courts cannot be appealed.¹³⁹ To date, there is no information that any soldiers prosecuted in military courts have been imprisoned.

The International Commission of Jurists, a Geneva-based NGO promoting human rights law, argues that the adjudication by military tribunals of cases involving serious human rights violations has often led to impunity for those violations, and a denial of effective remedies to victims. All defendants, including military personnel, should be tried in civilian courts if human rights violations amounting to crimes are alleged.¹⁴⁰

VI. CONCLUSION

The Abhisit government has made little headway in translating its policies into practice and has not seriously pursued political solutions to try to end the violence. Facing constant challenges from anti-government protests and relying on the military to secure its power, it is preoccupied with its own survival and afraid to take new initiatives. A pledge to lift the emergency decree that grants security forces sweeping powers has not materialised. There have also been setbacks in serious legal cases against security forces involved in the killings of Malay Muslims. While Bangkok has focused on multi-million-baht development projects, these do not address political grievances. For close to two years, it has made no serious attempt to find creative political solutions such as open peace talks or the reform of administrative structures to address core grievances of citizens in the South.

¹³³ The court's order is twofold. First, the court dismissed charges against the sixth defendant, a police officer. The court found that he did not violate any laws by providing a police truck to the military which was used to detain Yapha and bring him to a press conference. Second, since all defendants are soldiers, the case falls under the jurisdiction of a military court. "The Provincial Court of Narathiwat referred the case of Imam Yapha Kaseng to the Military Court claiming it is out of its jurisdiction", press release, Cross Cultural Foundation and Muslim Attorney Centre, 2 September 2010.

¹³⁴ Three of the alleged offenders are non-commissioned officers and the fourth is a conscript. Crisis Group interview, staff judge advocate attached to the ISOC, Bangkok, 21 August 2010.

¹³⁵ "ชาวบ้านในพท.โกสิ๋ กับบ.กรือเซะ ถูกยิงเสียชีวิต 2 ราย ชาวบ้านในพท. ชันเป็นฝีมือทหาร", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 14 เมษายน 2550 ["Two children living near Krue Se shot dead; villagers say soldiers did it", Isra News Agency southern desk, 14 April 2007].

¹³⁶ "จังหวัดปัตตานีนัดจ่ายเงินงวดแรกญาติเหยื่อบานา 1,025,000 บาท", ศูนย์ข่าวภาคใต้ สถาบันอิศรา, 11 มิถุนายน 2550 ["Pattani provincial authority makes first payment of 1,025,000 baht for family of Bana victims", Isra News Agency southern desk, 11 June 2007].

¹³⁷ Crisis Group interviews, human rights advocates, Bangkok, 27 August 2010.

¹³⁸ The 1955 Military Court Act's Section 49.

¹³⁹ The 1955 Military Court Act's Section 61.

¹⁴⁰ Crisis Group email correspondence, International Commission of Jurists, 26 October 2010. For details, see International Commission of Jurists and Columbian Commission of Jurists, *Military Jurisdiction and International Law: Military Courts and Gross Human Rights Violations, Volume 1* (Geneva, 2004), pp. 61-110; International Commission of Jurists, *Thailand's New Internal Security Act: Risking the Rule of Law?* (Bangkok, 2010), pp. 69-70.

When an opportunity arose, the government responded timidly. It dismissed the brief unilateral suspension of hostilities offered by some rebels and seems disinterested in further talks. While it doubts this new umbrella group's command over militants, an effort should be made to test their control. Peace dialogues could be a starting point to address the political grievances underlying the conflict. The government can engage in such dialogue without giving ground on separatism, but it will need to be prepared to make some concessions. In return, the insurgent representatives should demonstrate their command over militants on the ground and develop comprehensive political demands.

Measures to recognise the South's distinct ethnic identity, religion and culture should also be on the agenda. Assimilation of the Malay Muslim minority has not worked. This approach needs to be changed and imaginative ways found to decentralise power within the principle of a unitary Thai state. With national politics in turmoil, pushing for progressive policy will not be easy, but the human cost of this conflict is too high to be ignored.

Bangkok/Brussels, 3 November 2010

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 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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