

Report

Treatment of Juveniles Who Undergone the Security Laws Mechanisms in the Southern Border Provinces of Thailand with Record of Juvenile Detainee's Statements



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Submission to United Nation Committee on the Rights of the Child
24th January 2012



Treatment of Juveniles Who Undergone the Security Laws Mechanisms in the Southern Border Provinces of Thailand

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Executive Summary

1. In principal, juvenile Justice system endorse special procedure in treatment of children who are under 18 years of age when having to undergone criminal justice procedure especially judicial guarantees during arrest, detention and interrogation. However, due unrest in Southern Borders Provinces of Thailand, the Martial Law and Emergency Decree are being enforced as of now for already 6 years, resulting in derogation from normal procedure according to standard of juvenile justice. The special legal procedures regulating arrest, detention and interrogation by virtue of Martial Law and Emergency Decree are in themselves made with no regards to special needs of children protection. The application on the ground is also inconsistent with and provides lower guarantees than those provided for in the juvenile justice standard. These are also another root cause of wide spread human rights violation including arbitrary arrest and detention and torture. As these special legal mechanisms are so harsh comparing to the standard of juvenile justice, therefore, it shall not be enforced against children. But in unavoidable situation where it is most necessary, if these special legal mechanisms are to be applied, the rules and regulation regarding arrest, detention and interrogation of children shall be made in accordance with juvenile justice standard enshrined in both domestic law and international law.

Legal background

2. Thailand became a party to the Convention on the Rights of the Child of 1989 (hereinafter called “CRC”) by accession on 27 March 1992 which entered into force on 26 April 1992 without any reservation on the right to access to justice system.

3. The Constitution of the Kingdom of Thailand B.E. 2550 protects human dignity, rights and liberties in Section 3, Section 32 protects the right and liberty to life and body of a person which cannot be deprived by arrest, detention or search of the person except by an order or a warrant of the court or upon other grounds as provided by law. Torture, ill-treatment or cruel and inhumane punishment is also prohibited. Although the restriction of right and liberty to body can be imposed on a person by virtue of the provision of the law concerning arrest, such restriction must be imposed to the extent necessary and least affect the essential substances of the rights and liberties of the person.² The right of juvenile to appropriate protection in the judicial proceeding is also guaranteed under Section 40.

4. Chapter V of the Criminal Procedure Code authorizes arrest and keep in custody where a person may be arrested on a criminal charge only with a “warrant of arrest” issued by the court. Arrest without warrant can only be made only in exceptional circumstance provided by law or in case there is an urgency that a warrant of arrest cannot be obtained in time.³ The code specifies that the arresting officer must inform the person of the arrest and show the

¹Update version of report prepared by Muslim Attorney Center Foundation (MAC) and Cross Cultural Foundation (CrCF) submitted to the UN Committee on The Rights of The Child on 29th August 2011 as alternative report for Thailand's periodic report review.

² Section 29, The Constitution of the Kingdom of Thailand B.E. 2550

³ Criminal Procedure Code, Section 86

warrant of arrest, inform the person of the charge including the right to remain silent, notify his/her relative or person of confidence of the arrest, record the arrest and immediately take the person to the office of the inquiry official and, in case of necessity, provide the person with medical care before taking him or her to the office.⁴ Any statement made by the person to the officer at the time of arrest may not be used as evidence in the court if it is a confession. However, if the statement is not the confession, it may be accepted as evidence, provided that the arresting officer has informed the person of his or her right according to the above procedure before it is given.⁵ Section 64 of the code provides that a person who has been arrested by a court warrant shall be brought immediately to the court or the officer designated in the warrant.

5. The Juvenile and Family Court and Juvenile and Family Procedure Act of 2010⁶ (hereinafter called “Juvenile Justice Procedure”) outlines special methods and procedures for juveniles in the criminal justice system, particularly when juveniles are alleged offenders. Juvenile Justice Procedure stipulates the limits of criminal responsibility based on the ages of juveniles as the following: “Child” means a person whose age is not more than 5 years old and “A juvenile person” means a person whose age is between 5 and 18 years old. In the event where a juvenile is an alleged offender in a criminal offence. The special methods and procedures in the Juvenile Justice Procedure for an alleged juvenile offender are different from the adult procedures as follows:

- Arrest of a juvenile shall be made gently with respect to human dignity, without causing any physical harm, mental effect or disgrace to such juvenile.

- Arrest of a juvenile without a warrant is prohibited unless there is a flagrant offence according to the Criminal Procedure Code. In issuance of warrant, court must take into account the interest for protection of rights of juvenile. If the issuance of an arrest warrant would render unnecessary affect the mental condition of the juvenile, the court shall try to avoid the issuance of an arrest warrant and first use alternative mean to approach the juvenile.⁷

- The arresting officer or custodial official must, without delay, report the arrest to parents, guardian or person or organisation with whom juvenile lives and bring juvenile to inquire official.⁸

- The enquiry official shall promptly inquire information about juvenile’s parent and guardian or other person or organisation with whom juvenile lives, and report the arrest to the Director of a Juvenile Observation and Protection Centre.⁹

- Juvenile offender shall not be detained with adults or in a jail intended for adult offenders¹⁰

- The use of chain or any kind of bond with child under 15 years of age is prohibited¹¹

- The inquiry official must bring juvenile to court within 24 hours¹²

- Upon receipt of juvenile, the court can order release or, if necessary, to detain juvenile at the Juvenile Observation and Protection Centre or other place as seen appropriate. The court shall appoint legal consultant for juvenile if found that the juvenile has not yet have a legal consultant.¹³

- Upon receipt of the juvenile, the Director of the Juvenile Observation and Protection Centre must shall provide juvenile with clean up and change of clothes, physical examination by a physician and, if reasonable, mental examination by a psychologist and appropriate medical facility etc.¹⁴

6. Prior to the interrogation of juvenile, the inquiry official shall inform such person of the charge against him/her and the right pursuant to the Criminal Procedure Code. The inquiry official must ask if the person has a lawyer and, if not, a lawyer must be provided.¹⁵ According to the Criminal Procedure Code, Section 133 bis¹⁶, the

⁴ Criminal Procedure Code, Section 83, revised in B.E. 2547 to conform to Section 237 of the Constitution B.E. 2540

⁵ Criminal Procedure Code, Section 84, last paragraph

⁶ Report submitted earlier reference to juvenile justice procedure as according to previous Act on Establishment of Juvenile and Family Court and Juvenile and Family Court Procedure B.E. 2534 (1991)

⁷ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 66

⁸ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 69

⁹ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 70

¹⁰ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 81

¹¹ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 69, and Section 103 prohibits the use of chain with a child when it is necessary to detain the child for a trial unless the offence is punishable with maximum imprisonment of more than 10 years.

¹² The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 72

¹³ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 73

¹⁴ The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 82

¹⁵ The Criminal Procedure Code, Section 134/1

¹⁶ The Criminal Procedure Code, Section 134/2 allow Section 133 bis to be used in the interrogation of an offender who is juvenile than eighteen years old

interrogation of juvenile must be conducted separately in a place suitable for the alleged juvenile offender, psychologist or social worker and a person requested by the alleged offender shall participate in the interrogation, and public prosecutor shall always participate in the interrogation. The parent or guardian, person or representative from organisation with whom juvenile lives could also observe the interrogation.¹⁷

7. However, as for children in conflict area under enforcement of security laws which derogate rights and apart from above mention normal standards, children are, nevertheless, not exempted from these special legal mechanisms. Children are also suspected and targeted for search, arrest and detention. Their rights to due process and judicial guarantees are also deprived to the level that is lower than normally accepted standards of child rights and juvenile justice. The administration of criminal justice by special legal mechanisms enforced in the Southern border provinces of Thailand, therefore, impact children in many ways both in the context of legal rights and social impact.

Treatment of Juvenile who undergone security laws mechanism in Southern Border Provinces of Thailand

8. In the Southern border provinces (Pattani, Yala, Narathiwat and the four districts of Songkhla Province including Thepha, Chana, Saba Yoi and Na Thawi), the area has been declared with an emergency or special situation to be governed by set of special laws. Thus, it becomes a special zone where the enforcement of laws is different from the rest of the country. Basically, there are three prevailing *special laws* including the Martial Law Act B.E. 2457, the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) and the Internal Security Act B.E. 2551 (2008) which came into force in four districts of Songkhla Province in December 2009 and is expected to be enforced in other areas in the near future.

9. As these special laws contain restrictions on the rights and liberties, according to the administration of justice under these special laws (hereinafter called “special legal mechanisms”), the authorities are given the special power to search, arrest and detain persons without charge. On the other hand, suspects’ and detainees’ rights to judicial guarantees are lower than normally accepted standards especially judicial guarantees and oversight over special power to search, arrest and detain persons without charge. Therefore, in the area where these laws are enforced especially in relation to arrest, detention and questioning of a person, special provisions for the procedure and the scope of the enforcement are prescribed. The enforcement of the Martial Law and the Emergency Decree in the Southern border provinces results in the restriction of the right of juveniles to standard juvenile justice system as follows:

10. **The absence of specific regulations for juveniles who undergo special legal mechanisms under the security laws:** The security laws that are enforced in the Southern border provinces exempt specific regulations for the treatment of juveniles as stipulated in the Criminal Procedure Code and Juvenile Justice Procedure. At the same time, the Martial Law and the Emergency Decree do not provide special regulations for the treatment of juveniles when they are processed through the special legal mechanisms under these laws.

12. **The special legal mechanism under the security laws which is not conformed to the standard of juvenile justice:** The special legal mechanism under the security laws does not stipulate specific treatment for juveniles, and, therefore, when considering the legal problems and the application problems evident by the case study, it can be seen that the enforcement of the security laws particularly the Martial Law and the Emergency Decree in the Southern border provinces violates the standard of juvenile justice as summarized follows:

- The provisions and the enforcement of the laws emphasize the maintenance of security using “**military strategy**” in the prevention and suppression without having regard to the right of a child to be protected from violence, physically and mentally, especially juveniles who live in armed conflict;
- The provisions and the enforcement of the laws that do not incorporate process of reviewing the age of the arrested person, nor separate juveniles from adults and do not have specific procedure for the treatment of children in every step of the security law enforcement beginning from surrounding, search, arrest, detention, questioning process until release. As the case studies reveal the practice of detention of a child with adults, the denial of visit by relatives, the failure to notify parents of the detention and the release. The failure to notify parents about the detention and the release of a child is a risk factor contributing to the situation of enforced disappearance;
- The use of power in the arrest and detention of a juvenile in contrary to the necessity and proportionate principle infringes the right of the child to be protected from unlawful deprivation of his or her liberty, and violates the principle that arrest and detention of juveniles shall be the last measure and for the shortest period.
- Ineffectiveness of the monitoring mechanism in the exercise of power pursuant to the Martial Law and the Emergency Decree, especially the judicial checks and balances mechanism for the exercise of power to arrest

¹⁷Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010), Section 75

and detain a person,¹⁸ is one important reason for the abuse of power and impunity of security officials who have abused juveniles during the detention by means of unlawful detention or longer detention than permitted by law, forced statement or confession of guilt, and torture etc. All these evidence the violations of the right of juvenile to be protected from unlawful restriction of liberties, the right to be treated gently during the arrest and detention, the right to be free from torture, and the right of the detained child to oppose the detention before an independent and impartial court as well as to have the court issue the decision on the detention without delay.

- The procedure for arrest and detention of juveniles violates the guarantees in the standard juvenile justice in many ways such as the failure to inform the cause of arrest, the failure to inform the arrested and detained juvenile of his or her right, the failure to allow access to lawyer and the presence of lawyer during the questioning process, the failure to provide an interpreter and have social worker or psychologist, person of confidence of the child and the public prosecutor present during the questing process, etc.

13. The exercise of power by the security officials that is not in conformity with the intent of the law:

The intent of the security laws namely the Martial Law, the Emergency Decree and the Internal Security Act is to render power to the state when encountering the public emergency situation in order that the state may use various exceptional measures necessary for the maintenance of the security, public peace and order, safety and normal living of the people. This is to achieve the purpose of resolving the emergency situation and quickly returning the society back to normal. In order to maintain the protection of the rights and liberties as well as the public order and interest, the Martial Law and the Emergency Decree give powers to the competent officials in the undertaking to resolve or mitigate the situation, particularly the power to enforce the laws, including the power to arrest and detain a person, that leads to the restriction of rights and liberties of persons.

14. However, the use of various measures that lead to the restriction of the rights and liberties of persons shall be done only when it is necessary¹⁹ and proportionately under the circumstance²⁰ and does not create unreasonable burdens on the people. Besides, the Martial Law²¹ and the Emergency Decree²² stipulate that the principle of necessity must be taken into account. *In particular, such exercise of power shall be under the circumstance where a person is suspected to commit or participate in the commission of an act that may cause an emergency situation and it is deemed necessary to arrest and/or detain the person. Such measure may be applied as may be necessary with a view to preventing the person from committing or participating in the commission of any act that may cause an emergency situation or to fostering the cooperation in mitigating the situation.* However, the case studies have revealed that the officials exercised the power to arrest and detain juveniles without necessary cause and/or used excessive measure such as:

- **choosing to exercise power of arrest and detention under the Martial Law and/or Emergency Decree even though the juvenile suspected is already an accused with and a proper arrest warrant under Criminal Procedural Code.** Such manner of unnecessary deprivation of arrested/detainee's rights and freedom by ignoring the choice of procedure that is less harsh and cause less negative affect to an individual rights and liberty is against proportionality and necessity principle enshrined both in ICCPR article 4, the Constitution of the Kingdom of Thailand B.E. 2550 article 29 and the necessity clause in the Martial Law and the Emergency Decree themselves.

¹⁸ For example the arrest without a warrant according to the Martial Law and regulations of ISOC relating to the request to extend the detention pursuant to the Emergency Decree in which the detainee is not required to be present in court

¹⁹ The Constitution of the Kingdom of Thailand B.E. 2550, Section 29

The restriction of such rights and liberties as recognized by the Constitution shall not be imposed on a person except by virtue of provisions of the law specifically enacted for the purpose determined by this Constitution and to the extent of necessity and provided that it shall not affect the essential substances of such rights and liberties.

²⁰ International Covenant on Civil and Political Rights, Article 4 paragraph 1

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.

²¹ Martial Law B.E. 2457, Section 15 bis...the military authority shall have the power to detain such person for inquiry or for other necessities of the military. Such detention shall be no longer than 7 days.

²² Emergency Decree on the Public Administration in Emergency Situation B.E. 2548, Section 11(1) states that a competent official shall have the power of arrest and detention over persons suspected of having a role in causing the emergency situation..... provided that this should be done to the extent that is necessary to prevent such person from committing an act or participating in the commission of any act which may cause a serious situation or to foster cooperation in the termination of the serious situation;

- **arrested and detained a juvenile without any suspicious circumstance or cause to justify the detention** but rather used such detention for negotiating with the juvenile's accomplice to appear before the officials or inquiring about a person wanted by the officials who may be the juvenile's relative or neighbor

- **the period of detention for inquiries was longer than necessary** as the officials asked questions repeatedly and/or did not question detainees at all while still keeping the juvenile in detention until the 7 days plus 30 days period expired.

- **used excessive measures in excess of what is reasonable under the circumstance or without giving regard to different culture and faith** such as the use of bond, gun-pointing at arrested juvenile, threatening, abusing and torturing the detained juvenile and using dogs to conduct the search, etc.²³

- **detention of juvenile in the manner that is in contrary to the intent of the laws which stipulate that the detention is a preventive measure or reforming measure and is not for criminal interrogation** or for the purpose of obtaining information and evidence to prosecute the detainee. The case study has revealed that the inquiries during the 7 days detention under the Martial Law and the 30 days detention under the Emergency Decree aimed at obtaining information that would lead to the criminal proceeding against the detainee, as evident by the manner of the acts committed by the officials including persuasion, threatening, torture, forced confession or forced provision of information about the other suspects wanted by the officials, collecting evidence from the body of the juvenile such as DNA test or traces of explosive test for use as evidence to in the court proceeding and use the questioning result as supporting evidence for the interrogation brief of the inquiry official to file a case in the court. An example were the cases of a juvenile who were detained and intensely interrogated during the detention under the Martial Law and the Emergency Decree Law and immediately were transferred to custody of inquiry officer for being press criminal charge but the inquiry officer has never conduct any forensic test and hardly interrogated them again . Later, the juvenile were prosecuted²⁴, therefore, it can be assumed that the incriminate evidence being used for prosecution are mostly those obtained from interrogation during detention under Martial Law and/or Emergency Decree.

- **arrest and detention in the manner that the arrested/detainee are detained in locked up room and are deprived of freedom of movement.** Even though by law, they are regarded as suspect person and that the Emergency Decree required that the suspect person must not be detained at a police station, detention centre, penal institution or prisons, and must not be treated as a convict. But such manner of detention as mention above is nonetheless as severe as imprisonment conviction.

15. Furthermore, in regard to the enforcement of the Martial Law in the Southern border provinces, all case studies suggested that the security forces enforced the Martial Law as the **“main measure”** rather than in necessity of an unavoidable situation. This is in contrary to the intent of the Martial Law which is aimed to be a legal instrument or measure to accord the military power of maintaining the security of the country in the necessary and urgent situation where civil agencies may not be employed. The Ministerial Regulations describing the importance and necessity of the Martial Law that “The reason that we call it martial law is because it is declared only in the time of war, riot or when it is necessary to maintain peace out of any perils”.²⁵ The Martial Law also contains provisions that impose serious restriction on the rights and liberties of the people and renders the power to military officials as “the martial law enforcer” to enforce these provisions without having to be accountable both for civil and criminal damage. Accordingly as it is the law that prepares military officials for the time of war, the Martial Law excessively constitutes impact on the rights and liberties of the people, and is thus not appropriate for resolving the situation in the Southern border provinces which is the conflicting situation caused by factors of faith, political belief, injustice and differences in race, language and religion and not in any respect the evasion by foreign enemies.

Recommendations

16. There shall be process of reviewing the age of the arrested person and specific regulations for juveniles who undergo special legal mechanisms under the security laws

17. The “military strategy” carried out by means of special legal mechanism shall not be use as it is in contradict to principle that children must be protected from violence, physically and mentally, especially during the time armed conflict.

18. Measure of surrounding, search, arrest, detention and questioning under Martial Law and Emergency Decree shall not be applied to juvenile unless there is unavoidable necessity and that it is the last measure. If such

²³ See case study no. 11 and 12

²⁴ See case study no. 11 and 12

²⁵ Fact about Martial Law, Judge Advocate General, The Adjutant General Department, The Supreme Military Command

measure is to be applied, it shall be applied most gently manner and shortest time as possible. However, the arrest and detention by virtue of Martial Law shall not be applied to juvenile in any case.

19. Exercise of power given by Martial Law and Emergency Decree must be only an exceptional case where it is most necessary and there are other means to achieve the same preventive goal that could have render less infringement on individual rights and liberty. In other words, special power given under these laws shall not be interpreted or applied as blanket authorities for rights derogation in all cases. Therefore, enforcement of special measure by virtue of these laws must be strictly scrutinized, on case by case basis, taken into account principle of necessity and proportionality. Especially then such measure is used against juvenile, most strict scrutiny shall apply given that there shall be reasonable ground, not just suspicious, that such juvenile is involve in the insurgency and there is no other less harsh measure that could have achieve the same preventive goal, otherwise, such arrest and detention is unnecessary and disproportionate derogation of the juvenile rights.

20. Check and balance mechanism, the judiciary, shall exercise its power in scrutinizing the enforcement of special legal mechanism by strictly taken into account the principle of necessity and proportionality and judicial guarantees according to constitutional rights and international human rights standards especially regarding arrest and detention in order to prevent and protect juvenile from being unlawfully, arbitrary and/or disproportionately detained.

21. The juvenile rights to a fair trial must be ensured in prosecution of security related case. Any statement and/or evidence obtained during arrest, detention and questioning under special legal mechanism, by means of mistreatment of detainees and/or other illegal means including torture, coercion, cruel and degrading treatment must not be use for prosecution in any case and without any exception. Prior to file lawsuit, the prosecutor shall carefully scrutinize the inquiry file in order to prevent such statement and/or evidence from being used in the prosecution and judicial procedure.

22. Sensitivity of belief and practice in regard to different culture and faith must be adhered at all time when enforcing special legal mechanism.

Update information on Treatment of Juvenile who undergone security laws mechanism in Southern Border Provinces of Thailand in respond to relevant list of issues.

1. Issue no. 7: Please provide information whether administrative detention under the Martial Law and the Emergency Decree is applicable for individuals under the age of 18 and, if so, what legal safeguards are provided to such children upon detention.

Cross Cultural Foundation (CrCF) and Muslim Attorney Center Foundation (MAC) would like to reiterate the information paragraph 7 – 12 in Part 1 that there is no specific rule or regulation provided as safeguard for children who are subjected to enforcement of the Martial Law and Emergency Decree whether regarding search, arrest, detention and interrogation. As evidenced from the statement of juveniles who have been detained under Martial Law and Emergency (please see appendix 3) which show that such special laws have been invoked as authority to detain anyone, including juveniles, by exceptional measures which is not compliance with normally accepted due process standard as required by Criminal Procedure Code and the Juvenile and Family Court and Juvenile and Family Procedure Act of 2010 as in following regards;

- Detention under special laws provide limited judicial oversight, as Martial Law allows detention for up to 7 days without court approval, and there is no requirements to bring juvenile detainee to court. Emergency allows detention up to 30 days, although court approval for arrest for extension of every 7 days is required, but there is no requirement to bring juvenile detainee before court when request for extension.

- Under Martial Law and Emergency Decree, juvenile can be detain without charge up to 7 and 30 days only on reasonable ground to suspect without requirement of reasonable evidence. Whereas Criminal Procedure Code and the Juvenile and Family Court and Juvenile and Family Procedure Act of 2010 do not allow detention without charge and provide judicial scrutinizing into ground for arrest and detention through requirement of court warrant which can be issue only when there is reasonable evidence to believe that the person may have committed an offence and reasonable ground to believe that such person will abscond or temper with evidence or commit another harmful act.

- There is no separate detention facility for juvenile detention under special laws. As for 7 days detention under Martial Law which provide no specified place of detention, therefore, juvenile can be detain anywhere usually at Military Special Task Force units which scattering all over three 3 southern border provinces. Emergency Decree although provided two official detention places which is military base and police training centre which is not suitable for detaining juvenile. Although there may be separate room for juvenile and female detainees but juvenile are still detain in same facility and area as adult.

- There is no rules or regulation providing guidance for treatment of juvenile detainee, often mistreatment and abuses, both mentally and physically, are reported including torture for the purpose of obtaining confession or information. As evidence in all case statements, juvenile detainees are also interrogated without present of lawyers, families, or psychologist, some were photographed or recorded in video, and some went through DNA test, all of these practice which is not compliance standard interrogation procedure provided in Criminal Procedure Code and the Juvenile and Family Court and Juvenile and Family Procedure Act of 2010.

2. Since 2007, MAC and CrCF received 41 reported cases of juvenile detentions under Martial Law or Emergency Decree, some are babies as young as 2 years old detained with mother. Only since 2009 until present, 21 cases of juvenile detention are reported.

3. Since 2009, National Security Act B.E. 2551 (2008) (herein after called “NSA”) has been enforced in some area in southern border provinces. Section 21 of NSA create special procedure where court may order individuals to be detained in Internal Security Operations Command (herein after called “ISOC”) – run training facilities for up to six months where certain condition are met and upon agreement of investigation officer and special committee appointed by ISOC. The conditions can be summarized as follows:

- the alleged offender changes his/her mind and submits himself/herself to the officers, or
- an investigating officer has concluded an investigation and it appears that the alleges offender has committed the offence by being misled or out of ignorance; and, that giving the alleged offender a chance will benefit the maintenance of the internal security of the Kingdom.²⁶

Upon his/her confession or agreement to proceed under Section 21, the alleged offender must be proceeded through examination by 4 committees appointed by ISOC, the committee consisted of representative from national security sector, military, provincial administrations, religion organization, human rights organization and Lawyer Council of Thailand. Although there has been no report of juvenile offender having gone through Section 21 procedure, however, CrCF and MAC are concerned that same condition and procedure may applies to juvenile offenders without adequate safeguard as there has not been official information regarding specific safeguards or procedure for juvenile offender.

²⁶ International Commission of Jurists, Thailand’s Internal Security Act; Risking the Rule of Law?, Faburary 2010, page 44

**Picture of Detention Facility at Inkayuthbariharn Military Camp in Pattani:
Detention Place under Emergency Decree**



Outside Detention Room



Surrounding Area Outside Detention Room

APPENDIX 1

Comparison of Legal Mechanism by virtue of the Criminal Procedure Code, the Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010) and the Emergency Decree on Public Administration in Emergency Situation B.E. 2548

Criminal Procedure Code	The Juvenile and Family Court and Juvenile and Family Procedure Act B.E. 2553 (2010)	Emergency Decree on Public Administration in Emergency Situation
<p align="center"><u>1. Arrest and Detention</u></p> <p><u>General Case</u> Arrest without arrest warrant in prohibited unless</p> <ul style="list-style-type: none"> - When such person has committed the flagrant offence which is seen by the competent official or; - When such person has been found by circumstance suitable to suspect that such person likely to cause a danger to person or others' property by having an instrument, arms, or any material or it is an arrest to prevent any criminal offence and such arrest warrant cannot be requested in time. - There is the expeditious necessity which it cannot let the Court issues an arrest warrant. - The arrest of alleged offender or accused who have escaped or who will evade during the time of provisional release. <p><u>Requirement</u></p> <ul style="list-style-type: none"> - No means of restraint shall be applied to the person more than is necessary to prevent his or her escape. - Arresting officer must report to the court within 7 days and record details of the arrest to submit to the court within fifteen days. <p><u>Limitation</u></p> <p>The arrest in a private place, with or without a warrant, shall be prohibited unless there is a search warrant and must search in day time, unless it is an exceptional case of search capacity without the search warrant or in the exceptional</p>	<p align="center"><u>1. Arrest and Detention</u></p> <p><u>General Case</u> An arresting juvenile and child without the arrest warrant shall be prohibited unless</p> <ul style="list-style-type: none"> - When such juvenile has committed the flagrant offence according to the Criminal Procedure Code. <p><u>Requirement (as in Criminal Procedure Code)</u></p> <ul style="list-style-type: none"> - The arresting officer or custodial official must, without delay, report the arrest to the Director of a Juvenile Observation and Protection Centre and to parents, guardian or a person with whom the juvenile lives. - Arrest of a juvenile shall be made gently without causing any physical harm, mental effect or disgrace to such juvenile. <p><u>Limitation (as in Criminal Procedure Code)</u></p> <p><u>Issuance of Warrant (as in Criminal Procedure)</u></p> <p>In issuance of warrant, Juvenile and Family Court must take into account the interest for protection of rights of juvenile. If the issuance of an arrest warrant would render unnecessary affect the mental condition of the juvenile, the court shall try to avoid the issuance of an arrest warrant and first use alternative mean to approach the juvenile.</p>	<p align="center"><u>1. Arrest and Detention</u></p> <p>In arresting the suspected person, it must request to the Court for the arrest warrant under the Emergency Decree.</p> <p>An arrest in the private place can be performed by virtue of search power under the Emergency Decree which can be performed in day and night time, but the arrest must have the arrest warrant under the Emergency Decree.</p> <p>The arrest in the virtue of the Emergency Decree, if there is a notifying of the accusation later, the suspected person shall become the alleged offender who must be brought further to the proceeding of detention or to the trail according to the Criminal Procedure Code.</p> <p>In case of urgency and the official is not able to file a request to the judge in person, such official may apply for a warrant via phone, fax, electronic mail, or other electronic channels and request the court to issue a warrant via fax</p> <p><u>Requirement</u></p> <p>The arrest shall not be conducted in a manner that the person is guilty but rather with a view to bringing him or her to the proceeding and not for punishment. All forms of violent act shall be avoided by taking into consideration the difficulty of the situation and the cooperation by the arrested person</p>

<p>case of possibility of searching in night time.</p> <p><u>Remark</u> In case of being arrested under the arrest warrant of the Court, the arrested person shall be immediately sent to the Court or to the official, but in case of arresting without arrest warrant; the competent official who took this arrested person shall have discretion in provisional release or in taking such person in custody.</p> <p><u>Issuance of Warrant</u> Warrant of arrest can be when there is reasonable evidence to believe that the person may have committed an offence which is punishable with maximum imprisonment of more than three years or may have committed a criminal offence and there are reasonable grounds to believe that he or she will abscond or tamper with the evidence or commit another harmful act.</p>		<p><u>Remark</u></p> <ul style="list-style-type: none"> - No provision of the requirement for showing a warrant of arrest or informing the cause of arrest or the charge - Whereas the provision of the law that the procedure for an issuance of warrant under the Criminal Procedure Code shall apply mutatis mutandis, the issuance of the Emergency Decree warrant by the court may be made when the officer requesting it only has reasonable grounds to suspect, without having reasonable evidence to believe that the juvenile has participated in an act constituting the emergency situation. As such, the issuance of an Emergency Decree warrant is considerably less strict than that of the Criminal Procedure Code.
<p><u>2. Rights of Person being arrested and in detained</u></p> <ul style="list-style-type: none"> - To be informed about the arrest and show the warrant of arrest if any; - To be informed of charge including the right to remain silent, that the statement made by him or her may be used as evidence in the court proceeding and the right to access lawyer; - To notify relative or person of confidence of the arrest, if desired; - To be provide medical care when necessary - To request the Court for the release in case of an illegal detention <p><u>Requirement</u> Arresting officer must record the arrest and immediately take the person to the office of the inquiry official.</p>	<p><u>2. Rights of Person being arrested and in detained</u></p> <ul style="list-style-type: none"> - Right to notify about such arrest without delay to juvenile's parent, guardian or the person whom such juvenile offender lives with. - Right to be detained separately from an adult offender and not in same detention place intended for adult offender. - Right to be cleaned up and changing the clothes when the juvenile offender is sent to the Observation and Protection Center. - Right in receiving the medical check from the doctor and the mental check from the psychiatrist if the director of the Observation and Protection Center thinks fit. - Right in receiving the medical treatment in Observation and Protection Center or hospital. - Right in not being bound of any kind. - Right in not being recorded voice, taken photo, broadcast the photos or voices of the juvenile offender. 	<p><u>2. Rights of Person being arrested and/or taken in Custody</u></p> <ul style="list-style-type: none"> - The competent official shall prepare a report on the arrest and detention of the person for submission to the court that issued the warrant. - A copy of such report shall be deposited at the office of the competent official so that relatives of the person arrested can access such reports during the entire detention - Right to be visited by the relatives. <p><u>Remark</u></p> <ul style="list-style-type: none"> - No provision of the requirement for notifying the guardian, relative, or person of confidence of the arrest or release

	<p>- Right in not being advertised any message which identifies such juvenile offender or broadcast the biography, offence, address, place of work or academic institution of such juvenile offender.</p> <p><u>Requirement</u> Arresting officer must record the arrest and immediately take the person to the office of the inquiry official.</p>	
<p align="center"><u>3. Term of Detention</u></p> <p><u>Pre-Trial Detention</u> Not exceeding 48 hours of detention at the police station is allowed, in case of continuing the detention the arrested person must be brought before Court to decide on the continuing detention by issuing a detention warrant in the prison or other place as the Court order according to follows;</p> <ul style="list-style-type: none"> - Maximum single detention period of seven days for the offence which is punishable with maximum imprisonment of no more than six months. - Consecutive detentions of maximum twelve days each but not more than forty-eight days in total for the offence punishable with maximum imprisonment of six months to ten years - Consecutive detentions of maximum twelve days each but not more than eighty-four days in total for the offence punishable with maximum imprisonment of more than ten years. 	<p align="center"><u>3. Term of Detention</u></p> <p><u>Pre-Trial Detention</u> - Not exceeding 24 hours of detention at the police station, then juvenile offender must be brought to Juvenile and Family Court -The court can order release or to detain the juvenile at the Observation and Protection Center, or other place as seen appropriate. - The juvenile offender will be detained at the Observation and Protection Center until the public prosecutor files the charge to the Court and the Court accepts the lawsuit which may take term of 30, and 60 or 90 days, if there is the proceeding of postponement of filing charge (Please find the attached about the postponement of filing charge below)²⁷ - Additionally, for the detention of an alleged offender or a defendant under 18 years old, if the court uses its discretion not to issue a warrant of detention, the court may still order such person to be under the supervision of</p>	<p align="center"><u>3. Term of Detention</u></p> <p>Detention of a person may not be more than 7 days, however, extension of seven days at a time may be granted by the Court. The total duration of detention, however, must not be longer than 30.</p> <p><u>Limitation</u> Detention shall be only for the necessity to prevent the person from committing an act or participating in the commission of an act than may cause an emergency situation or to obtain cooperation in mitigating the emergency situation</p> <p><u>Remark</u> In case that the competent official see the cause in continuing the detention, such official must bring the suspected person to the Court for requesting the detention as according to criminal procedure, if not, such suspected person must be released. But in case that any</p>

²⁷ Prosecution of criminal case against juvenile offender: The file and notification of the public prosecutor must be sent to the public prosecutor within 30 days.

- In case of a criminal charge with the imprisoning punishment from 6 months but not exceeding 5 years, if any necessity causes the filing cannot be filed in time, the request of postpone the filing can be filed to the Court and may postpone 15 days each time but not more than 2 times of postpone.
- If such 2 times of request are reached, the request of postpone can be filed to the Court for 2 more times; 15 days each time. This is only in case of necessity and the evidence and witness are presented to the Court in corroboration of the request to the satisfaction of the Court.
- Objection against the request of postpone in filing charge: In case of a criminal charge with the imprisoning punishment over 5 years, and the public prosecutor has reached such 2 times of request, but the request of postpone is filed to the Court again under the reason of necessity and bring the evidence and witness are presented to the Court, the juvenile offender can appoint a lawyer to declare the objection and make the cross examination.

<p><u>Detention awaiting trial</u></p> <p>- When the court has accepted the case, the court may order a detention of the defendant throughout the proceeding or grant a temporary release.</p> <p><u>Remark</u></p> <p>Nevertheless, prior to the court issuance of the warrant of detention, there must be reasonable evidence to believe that the alleged offender may have committed a criminal offence or may have committed a criminal offence and there are reasonable grounds to believe that the person will abscond or tamper with evidence or commit another harmful act.</p>	<p>a competent official or a person who is willing to accept him or her or may establish a measure to prevent possible absconding or damage</p> <p><u>Detention awaiting trial</u></p> <p>- When the Juvenile and Family Court has accepted the case, the court may order a detention of the juvenile defendant at Observation and Protection Center throughout the proceeding or grant a temporary release or other measure of observation as the court may see appropriate.</p>	<p>accusation or charge is notified or there is an arrest warrant by virtue of the Criminal and Procedure Code, such person will be further detained according to the process of the Criminal and Procedure Code.</p>
<p><u>4. Place of Detention</u></p> <p>- Office of the inquiry official (Police Station) in case of detention during initial 48 hours</p> <p>- Prison in case the Court and the Court grants the order or pre-trial detention or detention awaiting trial.</p>	<p><u>4. Place of Detention</u></p> <p>- Work office of the inquiry official (Police station) in case of initial 24 hours detention before bring juvenile to Juvenile and Family Court.</p> <p>- The Observation and Protection Center, if not grant temporary released, until the case is filed or not filed by order of prosecutor.</p> <p>- The Director of the Observation and Protection Center may send the juvenile offender to person or organization where it fits.</p> <p>- Other place where is stipulated as detention place for juvenile and child.</p>	<p><u>4. Place of Detention</u></p> <p>- The place of detention shall not be a police station, detention centre, penal institution or prison</p> <p>- According to the regulation of the Internal Security Operations Command (ISOC) Region 4, designated place of detention are;</p> <ul style="list-style-type: none"> o Wiwatsanti Center, Inkayuthbariharn Military Camp, Borthong, Nongjik District, Pattani o 9th Region Police Training Centre, Sateng, Muang District, Yala
<p><u>5. Objection against Detention (writ of habeas corpus)</u>²⁸</p> <p>The detained person, his/ her spouse, relatives or any other person regarding to the benefit of the detained offender, has right to request the Court for the examination of the legality of the detention, if the Court considers such detention is illegal, the Court shall issue the release order immediately.</p>	<p><u>5. Objection against Detention (writ of habeas corpus)</u></p> <p>The proceeding in objection against the detention shall be as stipulated in the Criminal Procedure Code.</p>	<p><u>5. Objection against Detention (writ of habeas corpus)</u></p> <p>The detainee, husband, wife, relative or other persons acting on behalf of the detainee may file a petition with the court to oppose the detention or request that the court consider the legality of the detention. If the court sees the detention as no longer necessary or as unlawful, it</p>

²⁸ Criminal Procedure Code Section 90

		<p>shall immediately issue an order of release.</p> <p>The proceeding in objection against the detention shall be as stipulated in the Criminal Procedure Code.</p>
<p><u>6. Opposing Request for Pre-trial Detention</u></p> <p>The inquiry official or public prosecutor may file a request with the court to further detain the alleged offender. In the hearing, as the law allows the alleged offender to oppose such detention, the court shall ask the alleged offender whether he or she opposes the request. The court may summon the inquiry official or public prosecutor to provide the reason for further detention with any supporting evidence. If the inquiry official or public prosecutor has sufficiently shown to the court in regard to the necessity of further detention, the court shall permit it. But all these, the alleged offender has the right to appoint a lawyer to provide a statement of objection and examine witnesses.</p>	<p><u>6. Opposing Request for Pre-trial Detention</u></p> <p>Authority to release or not release the juvenile offender during pre-trial rest upon the Juvenile and Family Court.</p> <p>The juvenile offender, accused or interested person has right to file the request of provisional release to the Juvenile and Family Court.</p>	<p><u>6. Objection against the Extending of the Detention</u></p> <p>In every extension of detention, the Court may summon the competent official for clarifying the necessity or summon the evidence in corroboration of the request for the consideration. However, It is not necessary to bring the detained person to the court when applying for an extension of detention.</p> <p>The detained person has right to appoint a lawyer for filing such objection against the extension of detention and for cross-examining the witness.</p> <p>Criminal Procedure Code which may apply mutatis mutandis to the application for detention of a person under the Emergency Decree</p> <p><u>Remark</u> Section 12, last paragraph, of the Emergency Decree provides that in the request to the court for permission to arrest or an extension of the detention pursuant to the Emergency Decree, the provision relating to the application for a warrant under the Criminal Procedure Code shall apply mutatis mutandis. The Regulation of ISOC Region 4 also stipulates that the arrest and detention pursuant to the Emergency Decree is for the benefits of enhancing the understanding and instilling proper attitudes and of abating an act or support to an act relevant to the cause of emergency situation. When it can be believed that the detained person agrees accordingly, he or she shall be released with no delay.</p>

<p style="text-align: center;"><u>7. Provisional Release (Bail)</u></p> <p>The alleged offender or the interested person can request for the provisional release (place the bail) to the inquiry official or the public-prosecutor or the Court as the case may be. The conditions in consideration are as followings;</p> <ul style="list-style-type: none"> ○ The drastic or abated charge; ○ The evidence of the case ○ The circumstance of the case ○ The reliability of the bail-requester and the bail-principle. ○ Consider whether the accused is likely to evade ○ The danger or damage which could occur after releasing ○ There is the protest of the inquiry official, public prosecutor, prosecutor or injured person. 	<p style="text-align: center;"><u>7. Provisional Release (Bail)</u></p> <ul style="list-style-type: none"> - The Director of the Observation and Protection Center can make the provisional release with or without bail and send to the parents or the guardian or the person whom the juvenile offender lives with. The juvenile offender, accused or interested person has right to file the request of provisional release to the Director of the Observation and Protection Center. - If the Court considers that the detention between the trial of such juvenile offender is necessary, the Court may order to detain such juvenile offender in the Observation and Protection Center or any other similar place as the Court thinks fit. - The conditions considered are same as in criminal procedure code. 	<p>N/A</p>
<p style="text-align: center;"><u>8. Inquiry Process</u></p> <p><u>Right of the alleged offender</u></p> <ul style="list-style-type: none"> - To be informed of charge and reason of arrest - To meet and consult with lawyer in private - To have lawyer or person of confidence participate in the interrogation - To remain silent - To be visited by relatives - To receive medical care. - To have an interpreter if cannot understand Thai. - To have the copy of statement. - Right in requesting to the inquiry official for the bailing. - Right in requesting to the Court for the release in case of an illegal detention. <p><u>Before interrogation, the enquiry official must;</u></p> <ul style="list-style-type: none"> ○ inform the person of the charge and the reason of the arrest, read to the person the warrant of arrest and provide him or her with a copy of the arrest record; ○ the right to remain silent, that the statement made by him 	<p style="text-align: center;"><u>8. Inquiry Process</u></p> <p>The inquiry official must complete the interrogation of a juvenile within twenty-four hours following his or her arrival at the office of the inquiry and transfer such juvenile to a Juvenile Observation and Protection Centre</p> <p>Right of juvenile offenders and preconditions of lawful inquiry process are as described in Criminal Procedure Code with additional condition as follow;</p> <ul style="list-style-type: none"> - The inquiry official must ask if the person has a lawyer and, if not, a lawyer must be provided. - The interrogation must be conducted separately in a place suitable for the alleged juvenile offender. - A psychologist or social worker and a person requested by the alleged offender shall participate in the interrogation. - A public prosecutor shall always participate in the interrogation. - If the alleged juvenile offender does not speak or understand Thai language, the inquiry official must provide an interpreter. 	<p style="text-align: center;"><u>8. Questioning Process</u></p> <ul style="list-style-type: none"> - No provision regarding inform of charge and/or reason of arrest - No provision regarding requirement to inform rights of suspect. - No provision regarding the rights of suspect during interrogation in the question process.

<p>or her may be used as evidence in the court proceeding</p> <ul style="list-style-type: none"> ○ arrange for the person to notify, in the first instance upon arrival, his or her relative of the arrest and the place of detention. ○ promptly inform the person of his or her right <ul style="list-style-type: none"> ○ meet and consult with lawyer in private ○ to have lawyer or person of confidence participate in the interrogation ○ to be visited by relatives ○ to receive medical care. <p><u>Limitation</u></p> <p>- Any statement made by the person to the officer at the time of arrest may not be used as evidence in the court if it is a confession. But if the statement is not the confession, it may be accepted as evidence, provided that the arresting officer has informed the person of his or her right according to the above procedure before it is given.</p>	<p>Limitation (as in criminal procedural code)</p>	
<p style="text-align: center;"><u>N/A</u></p>	<p style="text-align: center;"><u>N/A</u></p>	<p style="text-align: center;"><u>9.Summon to appear</u></p> <p>In addition to the power to arrest and detain a person, Section 11 (2) of the Emergency Decree also provides competent officials with the power to summon a person to appear / provide a statement / submit documents / evidence relating to the emergency situation. The summon may be in either a written or verbal form and does not require a court warrant.</p>

APPENDIX 2: Summary of Case Findings from interview of juvenile detainees or accused from cases reported during 2007 – May 2010

Summary of Case Findings: Case 1 – 16²⁹

Rights/Case Study	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Arrest and Detention																
Inform Reason of Arrest	X	X	X	X	X	X	X	✓	X	X	X	X	X	X	X	X
Show the Emergency Decree Arrest Warrant	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Inform the arrested/detainee's rights	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Notify the juvenile's family/relatives of arrest	X	X	X	X	X	X	X	X	✓	✓	X	X	X	✓	✓	X
Notify the juvenile's family/relatives of place of detention	X	X	X	X	X	X	X	X	X	X	X	X	X	X	✓	X
Notify the juvenile's family/relation when change place of detention	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Notify the juvenile's family/relation when released	✓	✓	X	X	✓	X	X	X	X	X	X	X	X	X	X	X
Allowed visit by family	✓	✓	✓	✓	✓	✓	✓	N/A	✓	✓	✓	✓	✓	✓	✓	✓
Allowed to meet lawyer	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rights/Case Study	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Interrogation																
Informed of and have the right to remain silent	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Interpretors/translation provided	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

²⁹ Interviewed case positive finding base on rights of juvenile during arrested/detention and interrogation, and negative finding base on the issue of mistreatment during detention and after release. The “✓” indicate that the case has received positive treatment in accordance to his rights and the “X” indicate that the case has been mistreated during the detention and/or after release.

Interrogation in separate place from adult and suitable for juvenile	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Family or person requested/trusted by the juvenile participate the interrogation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Psychologist or social worker participate in the interrogation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Public prosecutor participate in the interrogation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Issue/Case Study	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Treatment of Juvenile Detainees³⁰																
Threat	X	X	X	X			X			X	X	X				X
Physical abuse	X	X		X			X				X	X				X
Torture	X	X		X			X	X			X	X				X
Were bonded or tied.	X										X	X				
Detained together with adult or in the same detention facility as adult	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Issue/Case Study	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
After Released³¹																
Order to summon even after release	X															X
Invited to join or have joined Chor.Ror.Bor or Paramilitary after released									X							
Invited to join or have joined training program after released			X	X								X		X		
Invite to be a spy for military intelligence																

³⁰ "Blank" box indicates that the certain case have not been mistreat in such a way that were not marked with "X".

³¹ "Blank" box indicates that the certain case was not mistreated in such a way that was not marked with "X".

Summary of Case Findings: Case 17 - 31³²

Rights/Case Study	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Arrest and Detention															
Inform Reason of Arrest	X	X	X	X	X	X	✓	✓	X	X	X				
Show the Emergency Decree Arrest Warrant	X	X	X	X	X	X	X	X	X	X	X				
Inform the arrested/detainee's rights	X	X	X	X	X	X	X	X	X	X	X				
Notify the juvenile's family/relatives of arrest	X	X	X	X	✓	✓	✓	✓	X	X	X				
Notify the juvenile's family/relatives of place of detention	X	X	X	X	✓	✓	✓	✓	X	X	X				
Notify the juvenile's family/relation when change place of detention	X	X	X	X	X	X	X	X	X	X	X				
Notify the juvenile's family/relation when released	X	X	X	X	X	✓	✓	✓	X	X	X				
Allowed visit by family ³³	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	X				
Allowed to meet lawyer	X	X	X	X	X	X									
Rights/Case Study	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Interrogation															
Informed of and have the right to remain silent	X	X	X	X	X	X	X	X	X	X	X				

³² Interviewed case positive finding base on rights of juvenile during arrested/detention and interrogation, and negative finding base on the issue of mistreatment during detention and after release. The “✓” indicates that the case has received positive treatment in accordance to his rights and the “X” indicates that the case has been mistreated during the detention and/or after release. N/A means that information case 33 – 36 does not directly indicate complication of enforcing special legal mechanism against juvenile but has relevant information on the complication of special law and criminal justice and its effect on juvenile.

³³ Many cases were allowed to visit only after 3 days of detention as former ISOC 4 regulation only allowed visit after 3 days of detention by virtue of Emergency Decree, therefore many villagers still rely on that rules even thought it has been revoke in 2008 and new rule allow visit from 1st day of detention.

Interpreters/translation provided	X	X	X	X	X	X	X	X	X	X	X				
Interrogation in separate place from adult and suitable for juvenile	X	X	X	X	X	X	X	X	X	X	X				
Family or person requested/trusted by the juvenile participate in the interrogation	X	X	X	X	X	X	✓ ³⁴	X	X	X	X				
Psychologist or social worker participate in the interrogation	X	X	X	X	X	X	X	X	X	X	X				
Public prosecutor participate in the interrogation	X	X	X	X	X	X	X	X	X	X	X				
Rights/Case Study	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Treatment of Juvenile Detainees³⁵															
Threat	X	X			X	X	X	X	X	X	X				
Physical abuse	X				X		X	X	X	X	X				
Torture	X				X	X	X	X	X	X					
Were bonded or tied.					X						X				
Detained together with adult or in the same detention facility as adult	X	X	X	X	X	X	X	X	X	X	X				
Issue/Case Study	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
After Released³⁶															
Order to summon even after release	X	X	X	X											
Invited to join or have joined Chor.Ror.Bor or Paramilitary															
Invited to join or have joined training program															
Invited to be a spy for military intelligence							X								

³⁴ Juvenile detainee's mother and grandmother participate in the questioning only once at the first questing. The rest of interrogations until released were no one with the detainee except the interrogator.

³⁵ "Blank" box indicates that the certain case have not been mistreat in such a way that were not marked with "X".

³⁶ "Blank" box indicates that the certain case was not mistreated in such a way that was not marked with "X".

**Appendix 3: RECCORD OF INTERVIEWS OF JUVENILE DETAINEES OR
ACCUSED FROM CASES REPORTED DURING 2007 – May 2010**

**Case Study 1-6
Surrounding and Search operation at U-Bae Village, Moo.1, Bajoh Sub-District,
Banangsta District, Yala Province on 8th January 2008**

**Case Study 1
Mr. C1, age below 18 when arrested**

About 6.00 a.m., while I was sleeping, I heard many gunshots. I realized that military official were performing a surround and search operation in a group of household where I lived. There were about ten houses in the area. The officers reasoned that an insurgent attacker went by my house's direction.

They ordered me to leave my house, and then I was taken to a paddy field with other 15 males. Later, they separated me from the group and singled out to an interrogation around the bush. An official asked, "Who fled?" and He kicked me many times.

Then I was led to a vehicle to Special Task Force no.15, together with other 15 male villagers who were arrested. My father and a younger brother were also arrested at the same time. I reached the Special Task Force No.15 at around 11 a.m. I was detained there for four days. Later during the detention, officials provided a reason that that I was an insurgent sympathizer, hence the detention for me. They did not inform my parents or told where I was transported for detention.

All the time I was at the Special Task Force no.15, **they housed me in a wooden detention facility along with 15 others arrested altogether with me. There were both adults and young ones. I had to sleep on the floor without any pillow and blanket. I had difficulties praying because a prayer rug was not provided.** A bathroom was not available inside; hence, detainees must ask permission to go to the bathroom outside. I was in the room all of time and was not allowed to go outside, except when going to the bathroom or being summoned for questions.

At the Special Task Force no.15, the officials summoned me for interrogations everyday, from 30 minutes to an hour each. **During each interrogation, there would be three military officials. One was armed with a pistol and the other two carried rifles. Other persons were not involved in the interrogation. They asked the same questions every time, such as "What do you generally do at home?" "Where were you during the incident?" "Do you know the criminal?" They asked me to identify people in my village in the photos.**

On the 4th day since I was arrested and detained at special task force no.15, I was taken to Para Military Sub-Special Task force at Banglang Dam, which is a sub-section of the Special Task Force no.15 with Mr. C2. The officers did not inform my relatives where I was taken. They did not supply any reasons why I would be transfer to be detained at Banglang Dam. Later I knew that they told my relatives that I was taken to Wang Phya Military Camp no.41. The relatives followed the information to Wang Phya Military Camp no.41, but they could not find me.

During detention at Banglang Dam Military Camp

Officials housed me in a cabin with Mr. C2 and did not allow me to go out for three days except going to bathroom and toilet. Most of the time, I was in a room and the officials did not summoned me for question.

On the 4th day of detention at Banglang Dam Military Camp, I was summoned for questions for two hours under a tree with five paramilitaries in uniforms and they were armed with rifles. After that, I was interrogated every two or three days, two hours each time with different paramilitaries. They, however, asked me the same questions, such as “where was the escaped criminal?”

On the 7th day about 9 a.m., they summoned me again for another interrogation. I was blindfolded then officials put me into a metal barrel and set fire on the outside. I felt hot, so I tried to crawl out, yet officials kicked me and forced me to remain in the barrel for about an hour. The officials wore military uniforms and were armed. They asked me similar questions, for example, whether I knew the criminal and where they were.

On the 7th day, a paramilitary, obviously drunk, walked to me and asked, “Who killed my father?” The said official kicked and punched me repeatedly for half an hour, until other officials stopped him. I presumed that he was a commanding official in the Special Task Force.

On the 8th day, I fell ill, and a paramilitary brought me some medicine. At the night, the officials forced me to be in a tub with ice for 20 minutes and they pushed me pushed into the icy water. I resisted and tried to crawl up from the tub but they kicked me at the face until I was bleeding. During the session, the official asked, “Who killed my father?” I finally lost conscious. I was later had my wound dressed and brought back to the cabin.

I was detained at the Banglang Dam Military Camp for 15 days before I was released. The officials allowed me to phone home on the same day. Later I knew that **my relatives had been looking for me for 13 days, before they realized I was detained at the Banglang Dam Military Camp.** They visited me and we talked for an hour, with military officials guarding during the visit.

On the 15th day, my relatives were on the way to visit me. It is the same day that I was permitted me to call home and later I was released. The relatives picked me up at Special Task Force no.15 about 3 p.m. Before I left, the drunken official that had beaten me the other day asked if I want to join the paramilitary. He said if I went back I would be killed, either by people who want to silence me down or by official.

Over one year after the arrest, I was rearrested and taken to Militaty Camp at Prapa Office for three hours. The paramilitary officials asked me about the same suspects and made me stand near a dog. They ordered me to describe who were in my phone contacts.

Before the release, they ordered me to report in every month. I went accordingly at Para Militaty Camp at Prapa Office I was not asked to sign any documents.

Case Study 2

Mr. C2, born 10th January 1992 age 16 when arrested

About 6 a.m., I heard gun shots, then found out that the military officials were searching and surrounding my house. I was ordered to leave the house. They grabbed my hands behind my back and took me to the paddy field with other 15 men. **The officials then asked “Who has seen the criminal? If you do not answer, you all will be shot.”** The

officials pointed their guns on my back and at my head then asked me if I saw the criminal. Then I saw Mr C1 was taken away. The officials checked everybody's identification card.

The officials took me to a waiting truck along with five other arrested to the Special Task Force no.15. At the first day of arrival, they inquired if I knew the *Imam* and if there were other people joined the Friday Prayer Session at the Mosque. They also asked if the people who fled their home returned. To every question, I said I did not know **then an official slapped me. The first day I was slapped at the left and right cheeks twice.** After the interrogation, I was allowed to bathe for the prayer at noon.

Around 1 p.m., I was summoned for question again at an interrogation room. There were only two officials wearing military uniforms in the room and no one else. They asked who cut trees to block the roads. I replied that I did not know. They asked if I did it. I said "No." They was not convinced and **said I was under an arrest warrant and whether I had cut the trees for road block and planted spikes on the road.** They asked me who else was in my team. I affirmed that I did not know and I had never done anything they accused me. This time, I was interrogated for two and a half hours.

All the time, I was at the Special Task Force no.15, they detained me in a wooden detention facility along with 15 others, arrested altogether with me. I had to sleep on the floor without a pillow and a blanket. I had difficulties to pray because a prayer rug was not provided. A bathroom was not available in the room; hence, detainees must ask permission to go to the toilet outside. I was in the room all of time and was not allowed to be outside, except when going to the toilet, to the bathroom or being summoned for questions.

About 4 p.m., on the second day, 5 out of 15 villagers who were arrested together at the same time as me was released. On the third day, the other five men were released. There were only five men left. Other three men were taken to Ingkayuthaboriharn camp. Only Mr. C1 and I were taken to Banglang Dam Military camp.

On the 4th day at Special Task Force no.15, Mr. C1 and I were transported out of the Special Task Force no.15 in the front of a pick-up truck. During the departure, I saw my mother coming for a visit. The officials threatened me not to call her, otherwise I will face an electrocute punishment. They were holding a device like a battery with electricity chords beside me in the truck. My relatives were not informed if and where I would be transported. Then at about 5 p.m., Mr. C1 and I was taken to the Banglang Dam Military Camp.

During Detention at Banglang Dam Military Camp

I was interrogated for 30 minutes at a bench under a tree. Four officials, wearing military uniform an armed with rifles, interrogated me. The official, interrogating me, was called by the others as "Captain." Nobody else was present at the interrogation. The official asked me to identify people in photos. When I replied I did not know them, he threatened that I would be beaten again.

The first morning, I was ordered to pay respect to the flag. An official threatened to shoot me if I did not get up. The first day, I was allowed a walk within the compound. Later, I was ordered to remain in my room at all the time and I could only leave when I was summoned for interrogation. The first three days, I was detained in the same room with Mr. C1. On the fourth day, I was separated to the other cabin, locating ten meters apart from each other.

From the fourth to the seventh day at Banglang Dam Military Camp, I remained in

my room without being summoned. **On the eighth day, uniform officials took me from my room for the interrogation, I was turned, blindfolded and had my hands shackle to the back and taken to somewhere. Later I felt I was lifted and lowered into a barrel and later I felt the heat but I did not see the fire.** During the process, the officials interrogated me and asked how much money I had been paid by the persons escaped the village, so I helped them. I replied that I did not know. **I was kicked at the mouth and three teeth were broken and I was bleeding profusely. I was then taken to dress my wound.** The interrogation for me was finished and I was not summoned afterwards. I was allowed to walk and watch TV. On the 15th day, I was released along with Mr. C1.

Case Study 3

Mr. C3, age 16 when arrested

The first arrest

I could not remember when it was. I was 16 years old. In the morning, about 6.00 a.m., I had just got up. I stayed with my mother. There were two of us in the house. I did my morning routines then I was sitting sipping tea in my house. By that time, I saw that officials had already surrounded the village. While I was drinking the tea, I heard gunshots from the back of my house.

First, I heard a gunshot. Then I heard many shots of ammunitions rapidly fired from every direction. I could not remember how long the gunfire lasted. When the gunshots died down, the officials were pressing closer to villagers' houses. A group of the officials searched my house. They called everyone to leave the upper floor. My mother and I walked down. The officials ordered the males to go to the paddy field in the village. **There were about six people my age and the rest were adults.** My mother was ordered to join a group of women and children near a bench in the village. **Afterward, I saw about six officials entering my house, without taking their shoes off. I did not know what had been confiscated and they did not ask anyone to sign a search log.**

When I was in the paddy field with other men, the officials asked if anyone knew who opened the fire. I said I did not know. The official did not believe me and asked other men, too. I was squatting in the wet and muddy paddy for a long time. Later, another group of officials arrived and I believed them to be senior officials.

Every male in the paddy was ordered to line up on the road, ready for officials to examine them with a GT 200 device.³⁷ The device did not point me and the other three, so they released me, on a condition that I had reported for an inquiry at Bannangsta police station, Bannangsta District, Yala Province. I was taken into a blue truck with other four officials armed with rifles. At the police station, they collected my fingerprints and took my photo. The officials also asked where my brother was. I replied that I did not know where he was. The officials did not believe and smiled.

I was not abused during the custody. Then **I was asked to sign documents, which I did not know what they were. The officials neither read them to me or nor allowed me to read them, before asking for my signature.** A police official told me they had confiscated

³⁷ GT200 is the type of Remote Substance Detection Device use widely in security operation in southern border province of Thailand. In early 2010, it was proven to be ineffective device. <http://en.wikipedia.org/wiki/GT200>

my belongings from my house during the search such as a cooking knife, a headphone, a box of instant noodle I was given from the Red Cross during the flood, which I only consumed two packs, my brother's jacket and eight pet birds that I raised. Then, the official released my birds from cages.

The officials did not return my belonging and I did not request that my belonging be returned. I did not know if the belongings were recorded in the search log.

At noon, my elder sister picked me up. **After the release, the officials still came to my house to search for my brother.** I was not called to report to them in person. **The officials asked me to attend a training program once but I did not participate.**

The second arrest

One year later, I earned a living by cutting and transporting rubber lumber. In 2009 about noon, I was doing my job normally. Before the incident, my friends and I saw an official's vehicle from Military Camp at Prapa Office, Bajoh Sub-District, Bannangsta District, Yala Province. After the vehicles passed us for a moment, I heard an explosion. My colleagues and I rushed to collect as much timber as we had cut earlier and loaded them on a truck to a timber factory at Pa Whang, Bannangsta District. When we finished selling the timber, we traveled back. At the front of the factory entrance, around To Manae bridge, police officials were waiting. The other two colleagues and I were taken to the police vehicle and another colleague drove the truck, using to transport rubber wood. We were taken to Special Task Force no.15 (Yeulapan Camp), which was a military operation Base. We arrived at about 6.00 p.m. The officials took my photograph and asked for my identification card in which I did not take it with me. They took my colleague's mobile phone. I was not physically abused, but Mr. C7, a younger colleague, was.

They asked me who told the bomb maker that the army officials drove pass. I said I did not know and I did not carry a mobile phone with me. The officials threatened that, "Soon we'll see." Then the official brought me some rice while my friends were interrogated. **They told me if I wanted to go back home, I had to tell them first.**

I went home about 6.40 p.m. along with other persons who were released at the same time.

Interview C3's mother about first arrest.

A group of officials surrounded my house and ordered Mr. C3 and I to leave the house. There were only Mr. C3 and I in the house at that time. The officials asked Mr. C3 and I where C3's brother was and whether the person who ran away from the village has ever returned.

Mr. C3 was arrested along with other 15 males in the village. He was transported to Bannagsta District Police Station. I followed him along with other villagers and waited until 2 p.m. to take him back home.

Mr. C3 told me he was interrogated about his brother, if he had handled a gun or made a bomb with his brother.

After the house has been surrounded, military officials visited me from time to time and asked about Mr. C3's brother. The house has been searched three times in total.

Case Study 4
Mr. C4, age 14 when arrested

On 8th January 2008 at 6.00 a.m. there were military official in Black, police officers and military official in camouflage fatigues surrounded and closed Payoryah Village, Moo 1, Bajoh Sub-District, Bannangsta District, Yala Province. There were over 300 officials conducted the surround and search operation. They fired indiscriminative shots into the village. Three houses were in the closure area but nobody was shot.

I was arrested and ordered to leave my house. The official bound my hands behind my back and pointed a gun on my body. They ordered me to open the door of C5's house next door, **while I was being held at a gunpoint all the time.**

After that, I was ordered to be with other arrested in a paddy field in front of my house. There were about 18 males arrested. The rest of the unidentified number of villagers, the women, the children and the elderly, were ordered to gather at a mound beside the paddy field.

The officials used verbal threats against me and asked where the criminal was. The other arrested and I, were forced to sit in the muddy paddy field for two hours. Later, I was forced to run to the truck along with other arrested in the paddy field.

Officials took the others and me to the Special Task Force no.15. Upon arrival, I was ordered to be seated on a bench in the Special Task Force, waiting to be interrogated individually. All of my possessions, but the clothes I was wearing were confiscated.

I was summoned for an interrogation. An interrogator asked if I "Had seen any criminal?" and if I "Had delivered anything to the criminal?" I refused. The total interrogation time was about 30 minutes. Later, I was detained along with 18 others, both adults and juveniles in a rectangular room. It was not permitted to leave the room. Additionally, the detainees must ask for permission from an official to go to toilet.

I was detained at the Special Task Force no.15 for two days. The visit from relatives was not allowed. My relatives were not also informed where I had been detained.

At the Special Task Force no.15, I was provided with a blanket, but I was told the pillow was not available. The room was in high temperature at all the time and was without any ventilation channel. The light was on 24 hours. There were no clock and the prayer times were not announced.

On the third day of the detention, I was moved to Ingkayuthaborihan military camp.

Later, I knew that my relative was also looking for me for a visit. They went to Special Task Force no.15 to ask where I was detained. The officials at the Special Task Force no.15 told them that I was detained at Wang Phya Military Camp no.41. **However, they could not find me there, because I was not detained at Sub-Special Task Force Wang Phya.**

During detention at Ingkayuthaborihan camp

I was detained at the Ingkayuthaborihan military camp for 17 days. The detention room was equipped with pillows, blankets and beds. **I was detained with an adult I did not know before. It was very warm because there was neither a fan nor a window. If it was too warm, I had to cover a light bulb with a towel to reduce the heat as the light was always on in the room.**

On 2nd day, I was taken to an interrogation in an air-conditioned room. The

interrogator asked if I had met any criminals. I refused. Then, I was left alone to sit in the room for an hour, **while I was wearing only a pair of shorts in the extremely cold room. The official told me to confess. I was told that when I was ready to confess, I could tell the official, then I would be taken out of the air-conditioned room.**

I was later taken out of the room, on the ground that the “new information has just arrived.” I was taken to an office of the same official, who showed me the information, which he said it had just arrived. There were my photo affixed to a piece of paper but I did not know what the information was.

Then I was led back to the room I occupied before, after an hour, I was called again to wash three cars of the officials. I washed the cars alone and I was later taken back to the same room.

I was at the Ingkayuthaborihan military camp for 17 days before my release. The officials from Special Task Force no.15 picked me up and escorted me to the Task Force where I waited there for three hours.

While I was at the Special Task Force, **the officials asked me to sign forms which I did not know what they were.**

The village headman picked me up from the Special Task Force no.15, however, my parent was not informed of my release.

One month after my release, Sergeant Ding asked me to join a Dawah training³⁸ program but I refused.

At the present, I do not know if my emergency arrest warrant is still active.

In every interrogation, there were only an official and I in the room. Other people were not presented at the interrogation. The officials did not explain about the documents I signed and I did not read them.

Case Study 5

Mr. C5, age 17 when arrested

Three years ago, in January 2008, about 6.00 a.m., I was arrested. There were several hundred officials, which I could not estimated the exact number, conducted a search and surrounding operation at Payor Village (Baan U-Bae). When they arrived, they opened fires to the houses. I was watching the television, when I heard the gunfire; I turned off the television and sit quietly in the house. Then I heard the officials announced that the villagers must leave their houses and gathered in front of the house. Then, the officials ordered the villagers to gather at a road in the village. Women and men were separated and counted. They ordered the man to gather at a paddy field, the woman to remain on the road.³⁹

The officials asked the men “Did you see the criminals because there are criminals in this village?” The men replied, “There were no criminals in this village. We have not seen any.” Eighteen adult men and six boys were arrested. **The boys included myself; Mr. C5;**

³⁸ Religious training organized by ISOC Region 4 aim to enhancing the understanding and instilling proper attitudes. The program are seen among the family of suspects as to be targeting those who has been release from detention or those in the black list of suspects. Even though it is said to be voluntary but when they are invited, they also feel intimidated as because fear of being arrested or intimidated by army officials again if they do not participate.

³⁹ During the interview, case 5 and 6 were interview together at the same time. Therefore, according to the fact that they were together during the surrounding and arrest, so they give statement together and each confirm the same statement about the incident.

Mr. C2; Mr. C6; Mr. C3; Mr. C 1, and Mr. C4, who were all under 18 years old.

There were over 100 villagers in the village. On that day, some people went out to tap rubber.

Ten minutes later, the officials separate the men into three groups. Mr. C6 and I were taken to custody at the Special Task Force no.15 and I was held for one night.

Upon reaching the Special Task Force no.15, **I was told to sit and join the other adults in a room. I was not bound or shackled. I received meals on normal basis.** On the second day of the custody, I was released.

When I was at the Special Task Force no.15, an official asked me before the detention where I was. I replied I was watching the television. The official asked me what my occupation is. **The questions were asked in Thai. I could speak Thai only a little,** however, I understood what were asked. During the questioning session, there were only the official and I. **There were no other people there.** I was questioned for 30 minutes. After that, I was released. A village headman and my parents picked me up.

After the release, I was not asked to join any program or received any contact from the officials.

Case Study 6

Mr. C6, age 17 when arrested

Three years ago, in January 2007, about 6.00 a.m, I was arrested. There were several hundred officials, which I could not estimated the number, conducted a closure and surrounding operation at Payor Village (Baan U-Bee). When they arrived, they opened fires to the houses. I was watching the television, when I heard the gunfire; **I got scared so turned off the television and sit quietly in the house.** Then I heard the officials announced that the villagers must leave their houses and gathered in front of the house. Then the ordered us to gather at a road in the village. Women and men were separated and counted. The officials ordered the men to gather at a paddy field. The women were ordered to remain on the road.⁴⁰

The officials asked the men “Did you see the criminals because there are criminals in this village?” The men replied, “There were no criminals in this village. We have not seen any.” Eighteen adult men and six boys were arrested. The boys included 1. Master **C5** (me); 2. Mr. Md; 3. Mr. C6; 4. Mr. C3; 5. Mr. Mk; and 6. Mr. C4, who were all under 18 years old.

There were over 100 villagers in the village. On that day, some people went out to tap rubber.

Ten minutes later, the officials separate the men into three groups. Mr. Nasr and I were taken to custody at the Special Task Force no.15, and I was held for one night.

Upon reaching the Special Task Force no.15, **I was told to sit and join the other adults in a room. I was not bound or shackled. I received meals on normal basis.** On the second day of the custody, I was released.

I was detained at the Special Task Force no.15 for one day. During the detention, I was asked if I knew the criminals. I told the official that I did not. I was not threatened or assaulted. I was questioned four times. Each time, it was an individual questioning session and any other persons were not allowed to accompany me. Each session lasted about 30

⁴⁰ During the interview, case 5 and 6 were interview together at the same time. Therefore, according to the fact that they were together during the surrounding and arrest, so they give statement together and each confirm the same statement about the incident.

minutes. I was released with Mr. C5.

After the release, I was not asked to join any program.

On September 2009, I was detained again. This time my parents knew but they could not intervene. I was in custody with Mr. C2. We were both taken to Bannangsta District police station. Upon reaching the police station, I was seated and we were interrogated together for 30 minutes. **There were many interrogators asking at the same time that I did not know how to respond to which ones first and I missed answering the questions. I was assaulted during the interrogation session also the official slapped me on the face and hit me with books on my back.** After the first 30 minutes, the official sent me to Superintendent Sompian's office for an individual interrogation. **I was in the room alone and other people were not present in the session.** He asked if I knew Mr. Masawbi. I replied that I knew him because we live in the same village but he has not returned home and that I did not know where he was. I was asked to identify people in a set of photos. When I said I only knew Mr. Masawbi and not other people, he was angry and banged a table with his fist. I was afraid and did not dare to answer any further question.

When we reached the police station, it was a period to break my fast during the Ramadan. My friend and I asked a permission to perform past breaking homage. The official allowed me to eat only Roti-Mattaba meals we had bought before. Other food consumption and prayers were not permitted.

At about 7.40 p.m., my friend and I were taken to an army base, locating behind Bannangsta Indrachat School, Bannangsta Sub District, Bannangsta District, Yala Province. Army officers detained us in a room with firearms and explosive devices, we were told that, **"You will remain in the room to see the explosives and firearms seized from insurgents."** After a period, army official brought us a meal and told us to sleep.

About 9.00 a.m., we were released. The parent picked us up at the base. I was not asked to sign any documents. During the night, I was not interrogated. After I returned home, I had not been called to participate in any training programs. **Before I returned, an official asked me to notify them by phone if there are any insurgents.**

Cast Study 7

Mr. C7, born 28th Oct 1990, age 17 when arrested.

In February 2010, the boss, Mr. Suriya, and others, totally, six persons, were hired to cut and collect rubber timber. I left home about 8.00 a.m., and was picked up by the boss at home. The boss drove to Baan Tan Yong triangle, Moo 2, Bajoh Sub-district, which was a direct route to Baan Juerakee, Moo. 3, Bajoh Sub-district. We cut down and collected rubber timber at a rubber plantation of a teacher. Before the incident, about 2.00 p.m., just before the explosion took place, I saw a military vehicle with four officials in black uniforms from Juerakae operation unit. I knew them because I had seen them before. After the vehicle passed us, for a time I could not remember, I heard an explosion, and not more than ten shots were fired one shot after another. I and the others rushed to carry the timber to the truck. Then about 3.00 p.m., we delivered the timber by truck to a factory in Baan Pa Whang, Bannangsta District. Mr. C3, Mr. MM, Mr. AT(18 years old) and I were on the truck.

After delivering the timber, the other four persons and I boarded the truck of the boss back home. When the car reached the front end of To Manae Bridge, we found officials in black uniforms and police officials in police uniforms in many vehicles waiting. The officials ordered the truck to stop and inspected everybody's identification card. My mobile phone was

confiscated. They took us into custody and brought us to Special Task Force no.15.

At the Special Task Force no.15, the officials took the photographs of all of us, while we stood in line and asked about our age. I was separated for an interrogation. There were many officials surrounding me and asked what I had done and what my work was. I replied that I was logging. The official further questioned me on what my family did, whether I observed the arrival and departure of the official's vehicles. Then they showed me photos of people in my village who were under arrest warrants and asked if I knew them, to which I replied that I did not know any.

The officials threatened and physically abused me. One of them poked a pen on my back very hard that I felt the pain. Then I was slapped harshly on my back. After that, I cried until the time I was released. At 6.30 p.m., I was finally released. The officials paid me 300 baht for consolation. About 6.00 p.m., before I was released the officials brought me a meal. **My relatives also brought a meal but they were not allowed to deliver it to me.**

Since released, I was not invited to any training program.

Case Study 8

Mr. C8, born 11 September 1992, age 16 when arrested

The First Arrest

When I was 16, my elder brother and I came from Bangkok to visit our grandparents in Yala on 17th July 2008. We stayed at my uncle's pharmacy at PangMaung Road No. 4 Mueang District, Yala Province. My friends invited me for a talk and a meal in his apartment, near the police's flat building. After dinner, I stayed with a Rajabhat Yala University student and my cousin. My brother stayed with Mr. Sb and other friends, there were five persons in all.

On 16th July 2008, at 2.00 a.m. my friends and I had been sleeping. Someone knocked the door, so I answered it. There were four men in civilian clothes outside, claiming that they were official and asked to search the premise without displaying any search warrant. They conducted a search and did not find any suspicious items. However, my phone was confiscated for an inspection.

The official returned to the room and alleged that the phone belong to a suspect they were looking for. They searched the premise again and searched bookshelves. This time, a small foiled bundle fell from the bookshelves. My friend saw the other foiled bundle kicked into the room from an official outside. The official opened the bundle and found some leftover marijuana. My brother and the friend in the next room were also searched. In the end, the official confiscated seven mobile phones and took everybody into custody at Mueang Yala Police Station.

The official started interrogate me on a security case and pressured me to confess I took part in planting 20 explosions in Yala and shooting of officials such as Lt. Dtee and Capt. Can.⁴¹ I refused to confess. The official told me, "If you do not confess, you'll get the marijuana charge." The interrogation finished at 5.00 a.m. The officials displayed a pistol and asked, "Do you want to die?" There were six officials in the interrogation and I was

⁴¹ The cases were very high profile cases and were among public attention at the time as it was insurgent attacks on command rank level military personnel.

slapped on the face three times.

I told them that I would fight the charges in the court. The officials said if I confessed, I would be released. When my friends, sharing the same room with me, and I denied, the officials took us to request for detention at Yala provincial Court, while waiting for the Court's order. I was still a minor and could not be detained at the Yala Central Prison, at 6.00 a.m., the police officers took me back to Yala police station and I was transferred to for a detention at the Yala Juvenile Protection and Observation Center for six days, before I was granted a temporary release. The case took one year in the Court and it was later dismissed by court. After the trial, I continued my study in Bangkok and I visited Yala sometime for student activity camps and other redress works with Student Federation of Thailand Southern Border Province Group.

Second arrest

On 1st April 2010, I returned from the university to Yala and stayed with my uncle, in the pharmacy on at City Planning Road No. 4 Mueang District, Yala Province. After the Songkran holidays, I traveled to Songkla Province with my uncle to help him in a tea shop in front of Rajabhat Songkhla University.

I could not remember what day it was. There were other seven university students with me and two other friends were helping with shop keeping at the teashop. There were three officials in civilian clothes entering the shop and they were chatting and trying to be accustomed to the people in the shop. Later the light went out but the officials still did not leave the shop. An hour later, eight official trucks arrived and parked in front of the shop. About 30 officials in black uniform with bullet proof vests and rifles, rushed to the teashop and confiscated my possession.

1. A book entitled "Patani State History" by Kupeng
2. A book entitled Five Years of the Deep South Unrest"
3. A notebook
4. A Che Guevara book
5. A mobile phone
6. A wallet

They arrested and accused that I and the others were suspects under emergency decree arrest warrants and accused that we involved in security crimes. I was detained at the Border Patrol Police Training Base in Yala.

Later officials from 9th Region Police Training Center interrogated me. I could tell they were from Yala Province because I had seen some of them on the television. Different four male officials interrogated me until the morning.

During the interrogation, the officials accused me of involving in the instigation of rally in many universities situated in Nakorn Si Thammarat Province and further down in other provinces. The charges also included being a leader in propaganda campaign, setting bombs that killed Sergeant Pian and other crimes in Bannangsta District. I was threatened that I would not be able to escape from the charges and I had been issued emergency warrants since 2006.

I requested to see the warrants and told them I had been detained earlier but the official refused to show me any warrants. At that time, the officials did not tell me I had been issued any emergency warrant on my previous arrest. An official was about to slap me but I told him "I study law at Ramkanhaeng University. What you are doing now is a

violation of the Human Rights. I will sue you.” The official finally was quiet and left me alone.

The other official also convinced me to confess, so I told him that if he had evidence for my charges, I would face the trial in court. The official said he would interrogate other people first, then, returns to me later. Then they left me alone.

I was later transported to be with other seven university students that had just been arrested. Each was seated on a chair, side by side, and guarded by border patrol Police officials. In the morning, the officials said that we would be released but we had to wait for their return to Yala. We had been waiting until 8.00 p.m. and were released on the condition that they officials would retain the mobile phones until the next day.

The next day we went to retrieve our mobile phones. When we arrived, the officials showed us the emergency decree arrest warrant for everybody. The warrant dated back to 2006. Then we were taken into custody at 9th Region Police Training Center.

At the 9th Region Police Training Center on the second day of detention, the officials inquired my records and personal information and asked if I had involved in the unrest. A group of university student staged a protest in front of the 9th Region Police Training Center and sent a representative to negotiate with the officials. Then, we were told that we would be detained for one more day. Finally, we were released.

As for the other non-university student friends of mine who were residences of Banglang Sub-District and Bajoh Sub-District, Yala Province, police alleged that they have the arrest warrant issued under criminal procedure and accused of involving with Sergeant Pian’s murder. They were detained before trial at Yala Prison. Later, Yala public prosecutor dismissed the charges before trial.

After I was released, the officials only returned my mobile phone and my wallet. They issued a certificate of my status that I have already been detained under Emergency Decree, but it was lost along with my wallet.

Case Study 9 - 10

A Search and Surround Operation at Baan Patae, Yaha District, Yala Province.

Case Study 9

Mr. C9, age 17 when detained.

On 16th January 2008 about 8.00 a.m., at Moo 6 Baan Buenaepasae Village, Patae Sub-district, Yaha District, Yala Province, I was sleeping. Suddenly, I heard an explosion so I ran to the upper floor of an opposite house. About noon, a Jeep load of 7-8 soldiers, armed with M-16 in green camouflage fatigues, arrived at the house. They went to the house, called me to a lawn with other people, and pointed GT 200 to examine everybody. If the GT 200 pointed to any person, he or she would be taken out of the group. My parents were in the incident.

The officials took me into custody along with other four adults that the GT 200 identified. Everybody was taken to a truck to a Sub-Special Task Force near the triangle cross road in front of the village. The soldiers told me I was invited for a short period at the base. Upon my arrival, the officials checked my identification card, filled out forms and took photo of a scar on my left elbow and my photos. **They also collected my DNA sample from the inner cheek, my body and examined explosive substances from my clothes. During the examination, there were only army officials, DNA and explosive substance specimen**

collectors and I.

I was taken to a tent for detention with other adult detainees. Totally, there were 21 detainees. I was not permitted to leave the tent. At the same evening, everybody was called to the parking lot and at dusk, we were taken on a truck to the Ingkayuthaborihan military camp. Two rifled armed army official were guarding the truck. I arrived the camp at midnight. Everybody was told to get off the truck and for a short roll call before the officials assigned each person to a detention room among the row of rooms in the same block. My room was equipped with beds, a fan and a bathroom. **There were previous two adult occupants before so there were three sharing the room. The light was on 24 hours and the door is locked from outside.**

During the first three days, I can bath but I did not have a change of clothes so I could not pray. On the third day, my mother visited me and brought me some clothes.

On the 4th day of my detention, an official summoned and interrogated me for about 20 minutes, the official were not wearing uniform. Nobody else but the official and I were in a common interrogation room. I saw other people being interrogated in the room also.

Six days after my detention at the Ingkayuthaborihan military camp, at 6.00 p.m., the police officials transferred me to 9th Region Police Training Centre or 9th Region Police. **I was transferred by a police detention truck with other detainees.**

When I reach the center, they asked for my identification card, filled out forms and asked me to sign them, during the entry and the release from the detention. I was detained at the 9th Region Police for 22 days, of which I had been called for interrogation four times. Each interrogation session lasted about an hour. The interrogation room was similar to an office room. **There were an interrogator and I in the room, but not other person.**

During the detention period, I could hardly sleep. I could sleep for 2-3 hours because I was worried why they arrested me. Three days after I was transported to the 9th Region Police, my mother visited me, totally, three times since I had been detained. We could talk privately in a common visiting room for about 30 minutes each time.

When I was arrested, the official told my mother that visitation could be made after the first three days. I later realized that my mother visited me at the Special Task Force, but she did not find me there. A military official told her that I was transferred to the Ingkayuthaborihan military camp, then she followed me to the camp and was finally informed that I was at the 9th Region Police. The official did not supply any explanation to my family and me, about the grounds of my arrest. **The interrogator later told me that they found traces of explosive reactants on my body, hence I was arrested.**

On the 22nd day of my detention, the official informed me to prepare for my release. He asked me to sign an interrogation log. The officials transported me to a mosque along with 14 other persons. **My mother had not known that I would be release that day until villagers told her.** She later met me at the mosque about 1.00 p.m.

After my release, an official persuaded me to be a state sponsored village defense militia. I agreed. I was trained for seven days and then I armed with a shotgun. I received 4,500 baht stipend and I worked for over a year. During my service, I had to be on duty both day and night, guard teachers and patrolling. The youngest members of the state sponsored defense volunteer militia I had met of was seventeen.

Case Study 10

Mr. C10, born 22 August 1991, age 17 when arrested

After I finished Grade 6, I joined the family to tap rubber for a living.

It happened at about 7.00 a.m. An explosion hit military official, patrolling at the beginning of the Bukaeji Bridge. I heard the bomb exploded while I was standing in front of the house, next to the main road.

At 9.00 a.m., my father and I went to tap rubber at a plantation. We traveled from the house and took a right turn before reaching the beginning of the bridge; to a small lane then go straight on for four kilometers to reach the plantation.

I was on the back of my father's motorcycle to the rubber plantation. Finishing my work for the day, I returned home, bathed and walked to my aunt's house on the opposite of my hose. There were many female and male teenage cousins already sat and relaxed in the house. I joined them for a moment. Later a Jeep loaded with 7-8 military official in green uniforms, armed with rifles, arrived and parked nearby. An official got off the Jeep with the other one who examined everybody in the house with a GT 200 device. The GT 200 pointed at me and other two persons. They told me to visit a military camp for a moment then I could return home, so the other two and I boarded the Jeep to the officials.

I was taken to a Sub-Special Task Force at Patae Triangle. The Officials took my photos, interviewed and recorded my personal information, collected DNA specimen from the inner cheek and asked me to sign documents. I was forced to confess to be guilty of the explosion, in which I did not do it. Hence, I refused to confess. About 6.00 p.m., I was transferred to Special Task Force No.14. The officials neither informed me nor I asked for the grounds for my arrest. I did not do so because of my fear. My guardian/ or my parents were not informed of the arrest. I was at the Special Task Force No.14 for half an hour, then the official ordered me to board a six wheeler truck with about 21 other detainees already in the back of the truck. The officials did not bound my hands but ordered me to put both hands behind my head, and face down, I had waited for half an hour before the truck started to leave. During the transportation, I did not feel I was physically abused.



Sitting posture imposed on C12 sitting position in a truck while leaving from Special Task Force No.14

During the transportation, the officials asked me where I would sleep tonight. I said I would return home. He refused and said I had to be at Bo Thong (Ingkayuthaborihan military camp). The truck took the other persons and me to the camp about 12.00 a.m. (The officials told me the time of the arrival.) **From the apprehension to the Ingkayuthaborihan military camp, I did not have any meal.**

I got off the truck. The officials took my photos, brought me a meal and told me to sleep. I was alone in a detention room, without any window. The door was locked from the outside. There was a bathroom inside and the light was always turned on. The room was about two square meters. The first night I did not have a change of clothes.

Next morning, I was up and prayed because I heard an *Asan* calling for prayer. I could bathe but I did not have fresh cloths. About 9.00 a.m., I was called for an interrogation. I was inquired with two interrogators. Nobody else was in the room. The interrogators wore civilian clothes and I saw that they were not armed. They asked me about the explosion, aimed at the military official at the beginning of the Patae Bridge. The interrogation lasted half an hour and I was taken back to the detention room. A meal was brought to me afterward, and again in the evening.

On the third day, at the Ingkayuthaborihan Base, I met my mother about 9.00 a.m., At 8.00 a.m., the official brought me a breakfast. I met my mother, father and cousins for about 20 minutes. They brought me fresh clothes. It was the first time I had the change of clothes. The officials previously distributed other toiletries, such as a toothbrush.

I was detained alone for six days, the next day I was transferred to a cage police truck (with "POLICE" sign on the side of the truck) for transporting suspects, along with other villagers, in all 21 persons in the truck, bounded for 9th Region Police Training Center.

I was detained with other two persons in the room, which the door was locked from the outside and I must called the official to open the door when I wanted to go out. The light was on 24 hours. The officials notify prayers time to detainees.

Unarmed and civilian clothed officials interrogated me four times. They asked me about the explosion at the beginning of the bridge. **I denied any involvement with the incident.** Each interrogation lasted 20 minutes.

Three days after my detention at 9th Region Police Training Center, I met my parent. I was detained for 22 days at 9th Region Police Training Center, then a truck from Patae police station picked me up and dropped me of at a mosque in the village.

C12's mother

When C12 was arrested, I was selling at Patae market. A friend told me that he was taken into the army's custody. **I followed to the army camp, when I arrived the officials did not permit me to enter.** I went with another detainee's mother. **They told me they would release the children soon and that "sisters please do not worry." Thus, I went home. I waited all night and C12 did not return.** In the morning, the friend told me that he was taken to Bo Thong (Ingkayuthaborihan military camp). I did not followed him immediately this time **because someone told me that other visitors were denied their visit at the Base during the first three days.**

After the first three days, I traveled to Ingkayuthaborihan military camp and saw him for three days. Then the friend told me he was transferred to 9th Region Police Training Center. I followed him. **This time the official told me that the visit was permitted after**

the first three days. I left the center and I told the official that my son had not done anything wrong because he was only 17.

Case Study 11

Mr. C 11, born 17 September 1991, age 17 when arrested

On 27th June 2008, about 3.00 p.m., I visited my maternal grandmother and younger siblings at Yaha. I normally lived in Saba Yoi. That day, there was an explosion at a gazebo where a teacher guard unit was stationed. The explosion injured two military officials. At that time I was at my friend's house about 30 meters behind the gazebo. At the end of the explosion, about 10 military official in camouflage fatigues with M-16 rushed to my friend's house, where I was with another three friends. They called us to open the door, I answered the door and they ordered me to take my shirt off and lay down on the ground, then they tied my hand behind my back with my shirt. They stepped on my back and press the rifle barrel on my throat to force me to lead them into the house, as they did not believe that everybody had left the house. Then they took me to a truck.

Someone told my 80 year-old grandmother that my younger brother was arrested, she walked to see but I was taken inside the army's truck.

I was detained at the Special Task Force No.14. Upon my arrival, the officials asked me to take a seat in the middle of the field in the Special Task Force compound for an hour, while I did not have my shirt on. They called my friend for interrogate one by one. I was not summoned for the interrogation but they asked, "Do you know who planted the bomb?"

All of us sat in the field until about 4.00 p.m., then the official called us to go to bed in a zinc sheet roofed hut, with wooden floor covered with mats. **There were not any blanket and pillow. We joined other, approximately 15 adult detainees, who had been detained earlier in the hut.** The door was not locked but I could not leave the hut without permission and I still have to ask for permission to go to the bathroom. **The first day of detention, I did not take a bath and any prayer at the detention hut.**

The next morning I could use the bathroom. Other detainees who had been here for a longer time brought me a meal. About 11.00 a.m., the official summoned me for an interrogation. There was only a civilian clothed interrogator in the room without any other person. Other military official guarded the outside of the interrogation room. The official ordered me to remain seated and the interrogator walked around while interrogating me. He asked, "Who planted the explosion and who ordered it?" I replied that I did not know. **The interrogator punched me on my back with his fist 3-4 times during the interrogation. He also pressed a point of an approximate ten inch machete on my neck and at the back of my head. He kicked me hard that I fell on the floor with the chair. I was interrogated until 1.00 a.m.,** then the official told me to go to bed and call the other friend for the interrogation.⁴²

I was detained at the Special Task Force No.14 for 19 days, and underwent about 10 interrogations. Mostly they summoned me at nighttime. **Sometimes the official woke me up**

⁴² Indicated time of interrogation from 11.00 a.m. to 1.00 am actually reflect the period of time since when the detainee was taken out of their detention room to interrogation room until the detainee was taken back to his detention room. So during this 14 hours, is how long the detainee were made to stay in the interrogation and the fact gathered is not able to confirm whether it was a 14 hour non-stop interrogation as they could be on and off questioning while the detainee was kept in the interrogation room.

late at night and he took me to interrogate. Each session lasted about an hour, however, once I was interrogated from 1.00 a.m. to 5.00 a.m.

On the 7th day of my detention, I was summoned with the another friend who was arrested together. The officials asked us to dig a hole at the chest level to bury garbage. **Then he forced me to get into the hole and kicked the soil on me, while questioning me. I was slapped on the face, kicked on the back with combat boots, and beaten on the back with a rifle. They forced me to answer who did it. When I said I did not know, they kicked me. Four to five officials questioned me at the same time. They kicked me and kicked the soil on my body until I was bruised all over. I could not get up on my feet so they finally took me back to the detention facility.** I was bruised on my face and my body. They gave me some medicine. I did not know what their names were because they did not introduce themselves to me. I could recognize their faces. Every time I was interrogated, they took a record of my testimony, except for the first and the seventh day.

My mother visited me on the eighth day, but the officials did not permit me to meet her. They allowed C14 to have a visitation. The first time my mother visited me was after the first three days. **Before she visited me, I did not have any change of clothes, bath or a prayer.** Apart from the eighth day, my mother was permitted to see me when she visited and I could talk to her with an official guarding. She visited me again on the tenth day, this time I was permitted to see her while I had traces of wounds on my face.

On 12th day, I was again summon for the interrogation and was threatened. **An official told me, "If you don't confess, I will shoot"** That day I was questioned for an hour. The other days I was interrogated either individually or along with friends. **They threatened to press charges, shoot or electrocute me.**

Before my release from the special task force, I was required to sign documents, which I did not know what they were because **I could not read and the official in charge did not explain anything.** On the first day of my arrival, I was asked to sign a blank form.

On the 19th day, about 6.00 a.m., I was taken from Special Task Force No.14 to 9th Region Police Training Center with Mr. C14 and five other detainees. Before reaching there, I was detained at Yaha District Police Station for a day and **I slept in a prison cell with other adult detainees and my friends.** The next day I was transferred to the 9th Region Police Training Center. Before the transfer, I was questioned at the Yaha District Police Station but an interrogator did not take any note.

After one night at Yaha District Police Station, on the 20th day of my detention, about 20.00 p.m., the officials transported me to 9th Region Police Training Center.

During detention at 9th Region Police Training Center

I arrived at 9th Region Police Training Center 9.00 p.m. I was asked to sign on at the 9th Region Police Training Center. The officials took me to a detention room, equipped with beds, a bathroom and a fan. I was detained alone.

I was detained at the 9th Region Police Training Center for another 29 days. The officials often summoned me for interrogation every 2-3 days. Only an interrogator and I were in the interrogation room. There were two interrogators taking turn to interrogate me and my testimonies were recorded. Each session lasted from 30 minutes to an hour.

On the second day I was detained at the 9th Region Police Training Center, my parent visited me and we had talked for about 30 minutes.

On the 29th day, **at the 9th Region Police Training Center, police officials from**

Yaha District Police Station collected me to the Station at about 4.00 p.m.. They collected my fingerprints, but did not question me. The next Monday, the officials asked my friends and me to sign documents, one by one. I did not know what was written, additionally, the official did not explain the document to me. Then they took me to a Juvenile Observation and Protection Center. I was only informed that I was charged and would face a judicial trial. The whole process went between the officials and I Other persons were not present in the process.

I was sent to the Juvenile Observation and Protection Center for over three months and was later released on a bail with C12. **The police did not make any inquiry while I was me at the Juvenile Observation and Protection Center.**

While I was detained at Special Task Force no.14, the police officials collected fingerprints, DNA specimen and specimen from my clothes. They took my photos and asked me to sign documents at the Ingkayuthaborihan military camp. **At that time, I did not know why they examine my inner cheek. Every time I was transported, I was handcuffed.**

Case Study 12

C12, born 12th May 1992, 16 years old when arrested.

I finished Grade 4 at Baan Yaha School, Yaha District, Yala Province. Currently I am a rubber taper for an occupation. I earned 200-300 baht a day. I lived with my parents, and two elder sisters. I have five siblings. (I was the youngest one among 11 siblings.)

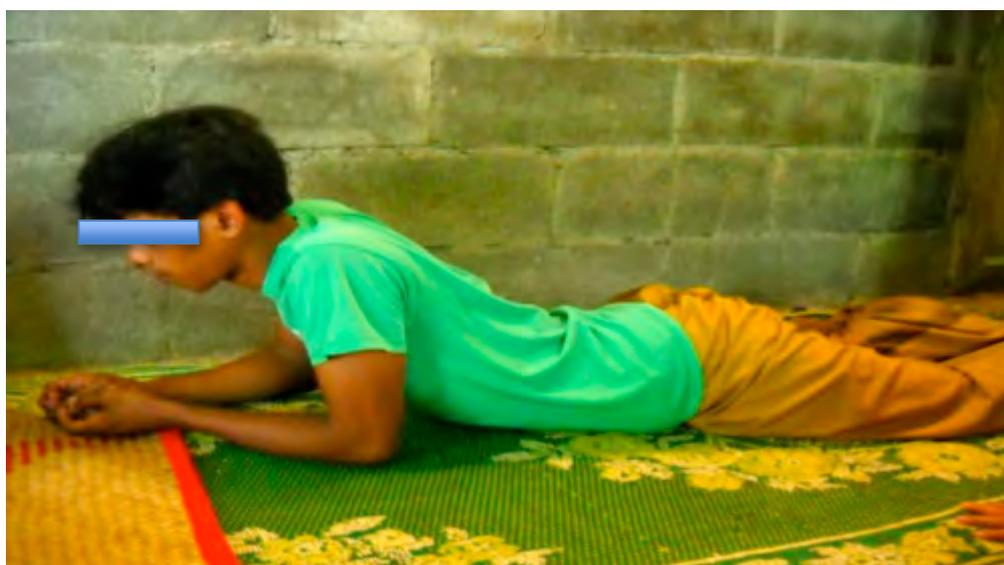
I was arrested on 28th June 2008, while I visited Mr. C11 (the other youth who face a charge together.), who was my friend. I wanted to play with his cousin, who was about three years old. I usually played with his cousin at Mr. C11's house. On that day, I was playing with his cousin, then I heard an explosion at Ponruebae gazebo, which was about 300 meters away from Mr. C13's house and about 400 meters from my house. After the explosion sound faded, I rode my motorcycle back home, with Mr. C13's younger brother on a passenger seat. When I reached home, Mr. C13's younger brother got off my motorcycle and walked to his friend's house. I was walking about the front of my house. There were about 70 officials in green uniforms patrolling the village. I saw some officials took a villager (who was wearing a student-like uniform.) The villager was having a meal. I later heard that the explosion injured two army officials.

A day after the explosion, I was in the bathroom, when about 50 army officials, armed and in green uniforms, surrounded and surrounded my premise and called for me. They asked for my name and when I said "yes", the official said "yes. It's him". They searched my house. I called my father to follow the search but the officials warned me to stay quiet. They could not find any illegal items. After the search, neither my father nor I was asked to sign any document. I was taken to their truck and transported to the Special Task Force No.14. During this period, my father saw that I was taken in the car.

I was detained at the Special Task Force No.14 for 18 days, I was abused and assaulted in order to obtain my forced confession as follows.

On the first day, I was interrogated by an unarmed official in a uniform at a parking lot in the compound. I learned that the person inquiring me was "Captain Komet." He threatened to beat me if I did not confess. While I was interrogated, they ordered me to lay face down and put my head down. He would beat me if I tried to raise my face up.

Captain Komet told me if I confess the charge would be over, I did not confess because I did not do anything that they accused me of. I told him that even Captain Komet shot me to death, I would not confess. He kicked me with his combat boots on my back three times. He unaccountably punched my abdomen, my temporal areas and hit my head. About 8.00 p.m., as I heard from the time bell in the camp, Captain Komet left and I was told to return to my detention room. **The detention room was constructed like a container with windows, which were not permitted to be opened in the night. The room did not have a fan or an air-conditioner. The light was on 24 hours. I was detained with Mr. C13, my friend and other adult detainees, totally 12 persons in the detention room.** There was a bathroom outside and the detention room door was not locked. However, if the detainee wanted to use the bathroom, an official is required to accompany him Staying in the bathroom for a long time was not permitted. The official would knock on the door to call any detainee using the bathroom for a long time. I used to be called out from the bathroom, by the official who knocked on the door and told me to finish quickly.



Posture imposed on a detainee during the first interrogation

- Before Captain Komet interrogated me, I had been fed. However, **at that night, I was not permitted to take a bath and change my clothes.**

- After Captain Komet released me from the interrogation and sent me to sleep, half an hour later, I was summoned for another interrogation. There were five officials in the army uniforms from a camp locating in a temple in Yaha District. This time I was interrogated in the middle of a pitch in the camp. These officials wanted me to confess. An official told me his younger brother was injured in an explosion I was accused to involve, so he would retaliate and make me hurt more. I refuse to confess. **The five officials jointly abused me many ways. An officials sitting on a table kicked me with his tennis shoes under my chin. I was punched on my abdomen, elbowed on my head, hit on my back repeatedly. Some officials gripped my right foot, lifted it and other officials burn my sole with a lighter. I could not bear the pain and shook my foot free from their hands. They officials repeated the burning for three times.**



A demonstration of the foot burning during an interrogation.

When they finished the assault, I was sent to bed. They forced me to close my eyes; otherwise, they would drag and beat me again. I saw other detainees who failed to shut their eyes were ordered to run around the pitch.

Less than an hour later, I was woken up for another interrogation in the middle of the pitch with the same group of the five officials. Every time they interrogated me, they assaulted me. Mostly, I was punched at the abdomen. **I was interrogated until 5.00 a.m.**

On the second day, from 5.00 a.m. - 8.00 p.m., I was ordered to be in the detention room, during the waiting period, I was provided with three meals at 9.00 a.m., 12.00 p.m. and 6.00 p.m. I was told to take the meal at the canteen in the camp. I did not meet my parents on the second day.

I was interrogated for two weeks, at night every time. I was physically abused or verbally threatened during every interrogation. For example, the officials used cloth to bound my hand to the back, pointed a gun at me and threatened to shoot. I told them I had not committed a crime and that they could shoot me if they wanted because I am not afraid at all. The officials blindfolded, pointed a gun on my head and forced me to walk. Then they ordered me to stop walking after a while and removed my blindfold. I realized I had walked until I reach the middle of the road near a rubber plantation on the opposite of the Special Task Force No.14. They removed my bound and ordered me to walk back to the camp.

On the third day, I met my parents and relatives. I told them about my physical abuses. My mother said, "I do not know how to help you."

After I had been detained at Special Task Force no.14 for 18 days, the officials took me and Mr. C13, my older brother; my relative and Mr. DM, who was not a villager but he worked in my village, totally five persons, to Yaha District Police Station. From there, then we were transferred to 9th Region Police Training Center.

During detention at 9th Region Police Training Center

I was detained there for 29 days. I was interrogated daily, either at the day time or at the night time, about the explosion against the military official. I denied the accusation. At

this center, I was not assaulted during the interrogation.

I was detained alone in the 9th Region Police Training Center. The detention room was locked from the outside. There were windows with wired frames, a fan, and a bathroom in the room. **The light in the room was on 24 hours. The light switch was outside so it could not be turned off.** In the morning, the officials opened the room so I could tidy it, then they opened the room to deliver meals. On the last three day at the Center, **the new 40 year-old detainee, from Takbai District, Narathiwat Province, were assigned to share the same room with me.**

After 29 days of detention at 9th Region Police Training Center, Mr. C13 and I were transferred to Yala Juvenile Observation and Protection Center for three days. I met my guardian on the second day at the Juvenile Protection and Observation Center. I stayed on the second floor room, which was a hall with an attached bathroom.

During detention at Juvenile Protection and Observation Center

On the third day, I was transported to Pattani Juvenile Observation and Protection Center. The Juvenile protection officials informed my family before my departure. When I arrived at Pattani Juvenile Observation and Protection Center, I met my older brother. I was detained at the Pattani Juvenile Observation and Protection Center for two months. Later, I was released on a bail at 60,000 baht.

After my release, I live normally at home. An interrogator from the 9th Region Police Training Center who had interrogated me visited me at my house once. The other time, a sergeant visited me at home and told me to join "Yananlanbaru"⁴³ program for a week. I participated without knowing where I was taken to. At the program, training officials arrange drawing activity and narcotic drugs awareness training by military officials. Two month before the arrest, I was a Marijuana leaves addicted. Now I am not addicted to the Kratom leave or any narcotic drug.

C12's Mother⁴⁴

The first day that C12 was arrested, I was at the Special Task Force No.14 because the other son (C12's elder brother) was also arrested from a rubber plantation behind the gazebo where the explosion took place. His brother was a rubber tapper.

When C14 was transported, I was running in a different direction with a truck taking him to the Special Task Force No.14 camp, because I was returning from my visit to his brother, so I did not follow C14 to the camp. **The officials assured me that he would be taken for a short inquiry, then, they would drop him off.** I asked them why they had to

⁴³Yalannanbaru Program is initiated and run by the army under ISOC and SBPAC, aiming to re-educate the youth in the southern border provinces that are using drugs or are in the risk group for becoming a user as to prevent drug use in youth and re-educate and rehabilitate youth who are involving with drug. (Martine van ES, Trust Building Through Army Development Initiatives in Conflict Situation: The Case of Yalannanbaru in Southern Border Provinces of Thailand, Thesis submitted to Faculty of Political Science, Chulalongkorn University, 2009)

⁴⁴ She told the interviewer that she has less memory of what happen, so some information might be inaccurate.

take the boy, who did not involve. Then I returned home and waited for my son. **The officials did not drop him off as previously said.** The next day I visited him at the camp. I could not remember what he had told me. I recalled he told his elder sister that there were officials standing guard during the visit. I saw him every day at the base. I did not petition anyone about the assaults he suffered. **Villagers told me that the assaults would be more severe if I complained.**

When he was transferred to 9th Region Police Training Center, I was not informed. The military official told me he was transferred to a police station and he did not know whether the boy would be sent back home or must be transferred to other places. I followed to Yaha District Police Station but I could not find him. Police officials told me he was transferred to 9th Region Police Training Center. I did not visit him because the day he was transferred and the day I went to the police station was on a weekend. On Monday (date and month unknown) I visited him at 9th Region Police Training Center. **After 29 days, at 9th Region Police Training Center, official told me that my son would be transferred to Yala Juvenile Observation and Protection Center for two days, then to Pattani Juvenile Observation and Protection Center on the third day.**

The first time I lodged a petition for my son, was after a pre-trial detention, under the criminal procedure. I went to the court and my relative told me to lodge the complaint with a lawyer. He told me to petition Muslim Attorney Center Foundation, Yala office.

Case Study 13

Mr. C15, born 1 March 1992, age 17 at the incident

On 25th April 2010, when I was arrested, I was making a bong pipe at my relative's house at Bor hin Sub-District, Tan To District, Yala Province with other friends, seven persons, in all. About 10.00 a.m., a joint military-police operation on about 13 pickup trucks and armored vehicles arrived. Many military officials armed with rifles surrounded the house and ordered everybody to crawl out one by one. When I crawled on my hands and knees, **a paramilitary, armed with a rifle, grasped my belt and bound my hands while I was crawling.** The paramilitary asked me if I possessed any marijuana, to which I denied. **He, then, punched me on my abdomen about five times.**

I was taken into the official's truck with six other friends. The official told me to wait and unbound me while I was waiting on the truck. During transportation, there were army officials with rifle guarding. **No one informed me of my charge and where I would be transported. I did not know if my parents were informed about my arrest.**

I was taken to the Special Task Force No.14. Arriving at 4.00 p.m., I was notified that I was arrested, they the official recorded my personal data, checked my identification card and asked me to sign documents, in which I did not know what they were. **They also examined my inner cheek, my body and scars on the body. Then, I was photographed. During this procedure, nobody accompanied me but the officials from the Special Task Force No.14.**

An official in a camouflage uniforms interrogated me. I was asked if I knew any of suspects. The official pronounced the suspect's name individually, and asked if I knew any. He also asked if I had participated in the unrest. The official armed with a pistol interrogated me on a marble bench. Other officials armed with rifles were guarding the area.

At 6.00 p.m., I was taken to Paramilitary Regiment aka Wang Phya Camp no.41

which is a Sub-Special Task Force Wang Phya under Special Task Force No.14. I arrived about 8.00 p.m. An official distributed blanket and told me to go to bed. **I did not pray because I had not bathed.** I was detained with three other friends. **The detention room was not locked and I could walk in and out the room.**

On the second day of the detention, I had my breakfast about 6.00 a.m. The meal was brought to the detention room. Then I was summoned to the interrogation, with similar questions. I was inquired by an official, armed with a pistol and wearing civilian clothes, for 10 minutes. **There were the official and I only, without the presence of any other people.** Later, I returned to my room and left the room to bathe for prayers.

On the third day, I was again summoned for the interrogation by a female official. This time, a male official, armed with a pistol, stood guard.

I was detained at the Wang Phya Military Camp no.41 for seven days and was interrogated every other day. I was inquired with the same question every time. For example, they wanted to know if I knew any suspects or if I had participated in instigating the unrest. They asked if I knew any suspect by telling me the names or asked me to identify any person I knew from photos. The officials always recorded my testimonies.

I later learned that the officials had not informed my family about my arrest and detention. Someone called my grandfather that I had been arrested. On the third day, he visited me. First, he went to the Special Task Force No.14, but he could not find me there. The official told him that I was transferred to Wang Phya Camp no.41, so he went to see me there. I was able to talk to him, under surveillance from the officials, armed with rifles. The visitation from relatives was permitted once a day.

Before my release, the interrogator brought many documents for me to sign. I did not read them and the official did not provide any explanation. They said I could go home after signing them.

However, on the 4th day of detention at Wang Phya Camp no.41, I was transported back to the Special Task Force No.16, my grandfather saw me on a truck where my friends were. There were 11 detainees, of which four detainees were released but my friend and I were not. The officials notified me that they found explosive substance from me, thus I would be not be released. My six friends and I were transported back to Sub-Special Task Force Wang Phya with four new arrested.

I was detained at Wang Phya Camp no.41 for another three days without being inquired or interrogated. However, my grandfather did not know the officials transported me back to Sub-Special Task Force Wang Phya. I could not remember if he visited me afterwards.

On the seventh day on the re-detention, the same interrogator brought 2-3 pages of document for me to sign. At 9.00 a.m., my friend and I were dropped off at Special Task Force No.14 (Tan To). **While I was sent back to the Special Task Force No.14, my grandfather was on the way to visit me at Wang Phya, then, he saw me on a truck on the way out, so he waited to pick me up at Tan To.**

Currently, there is a requirement for me to report myself in person at Special Task Force No.14 (Tan To). The first period, I was required to report in once a week for three consecutive weeks. Then, I was ordered to report every month. Every time I went in to sign my name, then I was free to return home, but I was not interrogated. **The official said failing to do so would result in being issued an arrest warrant.** Last time, I went to sign my name on 30 June 2010. I went home twice a month and I must report in every time.

Case Study 14 - 15
Cases of Four Months Vocation Training Program⁴⁵

Case Study 14

Mr. C13, borned 28 May, 1992, age 16 when arrested

Mid 2007, in the middle of the night, about 100 police and military official, armed with M16 assault rifles and some with shotguns jointly surrounded the villages. I was observing the situation from a window upstairs. Then they ordered me to come down and leave my house. The officials asked who else were in the house. I said I did not know. They searched the house, found my older brother, and accused me of lying. The officials also apprehended my brother from the house.

A private clothed official, armed with a pistol, ordered me to strip my shirt and frisked me. They transported me to a Humvy to the Special Task Force no.15 (aka Yuelapaw Military Camp in Bannangsta District, Yala Province). They did not point a gun at me. They ordered me to board a truck, loaded with five other arrested from the same incident, and six armed officials.

The officials did not tell me the reason of my arrest. They told that they want to talk to me, which would last not more than one week. I was not told where the officials would take me. **The officials told my mother that I would be detained at the Special Task Force no.15 and she could visit me after the first three days.**

At the Special Task Force no.15, there were only army official. An official asked for my identification card and the other official filled out a form, the he asked me to sign it. The officials did not ask me any question. **Then they photographed me with my shirt off and they affixed a piece of paper written “Suspect” on my chest.** I was detained until about **5.00 p.m.** at the Special Task Force no.15 with other youth and adults arrested from the roundup at the village.

About 5.00 p.m., the officials led about ten other arrested and me to a ten-wheeler truck to Ingkayuthaborihan military camp. Four officials, armed with M-16 rifles, went with us in the truck. I did not know whether my mother was informed where I would be transported.

During Detention at Ingkayuthaborihan military camp

About 6.00 p.m., I reached the Ingkayuthaborihan military camp. The officials ordered me to strip my shirts. Then I was frisked. All of my belongings were confiscated. I was again photographed with a piece of paper written, “Suspect” on my chest. **The officials inspected scars and marks on my body and collected DNA samples from my inner cheek**

⁴⁵ A 4 months training program establish in 2007 for detainees who have been detained up to the limit of 37 days under Martial and Emergency Decree. It is said to be a voluntary program in contradict to the fact that many detainees were told that they would be at risk of being prosecuted if they not join the program. Later, the programs collapse because the family if the detainees file *habeas corpus* motion demanding for release from vocational training which they considered to be involuntary and arbitrary detention. The court order to release detainees base on the reason that they were no longer agree to join the training program. However, after released by the court verdict, the chief of 4 army region, by virtue of Martial Law Section, issue an order prohibiting black listed people, including those release from vocational training program, from returning to their domicile.

and my fingerprints.

I was taken to a detention facility, which was a small rectangular room with one bed and a toilet. **I was detained with other two adult detainees who were about 40-50 years old.** The two detainees had been there when I arrived.

On the second day at the detention center, at about 8.00 a.m., I was called for an interrogation. **There were only a private clothed official and I.** The official asked why I was charged and arrested. I replied that I did not know why I was arrested. **The official asked if I knew a hut behind my house that teenagers gathered and if there was any strangers visiting the village.** I maintained that I did not know. He also asked if I joined a rally in front of a Soi. I refused. **He asked me where my other older brother was.** I said he was not at home. At the end of the interrogation, I was dispatched to the collective detention room with other adults. **The room had many individual blocks and was equipped with a common bathroom.**

On the third day of the detention, my mother visited me. I talked to her at the visiting gazebo for about 15 minutes. She visited me about three times.

I was detained at the Ingkayuthaborihan military camp for 20 days, **sharing the detention room with other adults. I could pray, take a bath and have three meals a day.** During the detention period, I was summoned for interrogations frequently. Officials also ordered me to sweep in fenced area. On the first day I was interrogated, the official took note about I did not asked to sign any document.

On the 20th day, an official from Office of the National Human Rights Commission (NHRC), Mr. Pongcharat Ruayrum announced that everybody must participate a program, otherwise, they would be imprisoned. An army official whispered to me it would be stupid to join the program, because detainees were not charged, and that joining the program risk facing false charges. One person decided not to join the program. The officials arranged us to travel on a bus to Suratthani province. I was at the Vibhavadi military camp for 20 days. I resided with other detainees in conscripts' dormitory. We were divided to groups for vocational training.

During the period, I was detained at the vocational training center, **I wanted to return home.** My mother visited me twice. At the end of the program, the officials sent me and other detainees that I did not know back to Banngasta Didtrict. My mother was waiting for my return.

After the return, the military officials visited me occasionally. They persuaded me to join programs. I participated in 2-3 programs, such as funding program training, which I went there and listen to a session. There was no coercion.

Case Study 15

Mr. C 14, age below 18 when arrested

Mid 2007, the 4th Region Army initiated **Protection of the Southern Border Operation**, which included search and surround operation and control of suspected persons under the special law. During the operation, I was studying at Yala Informal Education School.

At 3.00 a.m., on a certain day, which I could not remember exactly, but it was about mid-year, I was sleeping inside of the house. Then I heard many vehicles passed my house, so I realized that the military and police officials were surrounding off the village.

At 9.00 a.m., I was preparing to go to the Yala Informal Education School, in the town

of Yala. I went to see a friend in the same village and decided to take a trip to the school with my friend.

When I arrived at my friend's house, in the front, there were more than ten officials wearing green/black fatigues surrounding the area. They called every male to leave the house. Six males left the house and I was called to line up with the males from that house. Seven males, including I, were told to line abreast, then an official pointed a GT 200 device at all the males and I. They did not tell us any reason. Then the six other men and I were taken into custody, we were taken to Tanoh Puteh Nai Primary School, for identification checks, collecting fingerprints and photographs. I was not bound or shackled. My guardian followed me to the school. My uncle joined the interview. Half an hour later, the other five villagers and I were transported to the Special Task Force no.15. I found that other villagers were in custody there. Before they transferred me the Special Task Force no.15, the official told my guardian that I would be released in 2-3 days and they did not need to follow me.

At the Special Task Force no.15, I was interrogated and questioned my personal information. The DNA tested was not conducted. They ordered me to strip my shirt. An official ordered me to hold a placard, written, "Suspect," when I was photographed. I noted that others were treated in the same way. Then the officials brought me a meal and asked "why you were here and what you had done", I said I did not do anything; still I was taken by the officials.

At 6.00 p.m., I was taken to Inkayuthaborihan camp with a six wheeler truck along with over ten villagers; one of them was a woman. **The guardians were not notified that I was transferred to the camp as my phone and my wallet were confiscated.**

During detention at Inkayuthaborihan military camp

At the Inkayuthaborihan military camp, the official ordered an individual photo shots. They collected my DNA sample from the inner cheek and ten-finger fingerprints and ordered me to stay in the detention room. The room was locked on the outside all the time and I could only leave when an official unlocked the door. The bathroom was inside. There were not any window and the light was on 24 hours. I could pray because I heard the *Asan*, calling for prayers, from a side of the detention room. I was detained with other two detainees. One was estimated to be over 20 years old and the other was over 30 years old. The first day I did not have a change of clothes so I borrowed the other detainees.

The first interrogation was conducted twice, and subsequently, the latter interrogations were conducted once. The interrogator asked about a hut in the village. He wanted to know what it was. I replied that I did not know because I had never been there. The interrogator wore civilian clothes and not armed. **I was interrogated alone.** At the end of each interrogation, I was asked to sign interrogation logs, which had been recorded in writing by interrogators. I was not threatened at the interrogations.

After three days, at the detention facility, my guardian visited me, each time we were allowed to meet for 15 minutes. After the first three days, the officials moved me to another room. This time, I shared a detention room with other five friends from the same village. The detainees were free to enter or leave the room until 10.00 p.m., after this time, the officials would lock the room from the outside and unlocked again at 6.00 a.m. The detention room was equipped with an air-conditioner, but not any window. The light can be switched on or off from inside the room. It had a bathroom inside. When I was transferred to the new

detention room, I was not called for interrogation anymore. I only wait for my release.

While I was waiting at the camp for a month, the officials called many detainees to a pavilion in the camp to meet a representative of the Office of the National Human Rights Commission (NHRC), Mr. Pongcharat Ruayrum. **He announced that everybody must participate a vocational training program at Surathani for four months, otherwise, they would be taken to the court.** This made everybody traveled to Surathani. I also participated the vocational training program, where I was also detained at Vibhavadi military camp in Surathani Province. The training started from 7.00 a.m. to 4.00 p.m. every day, except on Saturday-Sunday. **There were other 100 youth and adult detainees participating.** The dormitory was not locked so the detainees can access or leave the room anytime. **They can move freely within the camp's compound but could not leave the camp on their own. They had to be accompanied by officials if they want to leave the camp, for example, when they attended a prayer session at a mosque outside. During my detention at the vocational training centers, my guardians visited me once, at his expenses. The other time someone took and sponsored them to visit me.**

Three months after the vocational training program at the Vibhavadi camp, my aunt petitioned to the Surathani Provincial Court for my release. **Finally the Court had ordered that the participants who did not volunteer or willing to participate the vocational training may return home. However, after the verdict was given, I could not returned home because of an administrative order from the Commander of the 4th Army Region, issued under the virtue of the Martial Law. The order prohibited people on the blacklist, including me, to return to their domicile areas.** Other villagers and I had to reside at the Surathani mosque temporarily until the Commander ordered that they could return home.

After I had returned, there were occasional visit from officials but my house had not subjected to any search.

Case Study 16 - 20

Youths arrested in Had Yai District, Songkhla Province although it is area outside enforcement of Martial Law and Emergency Decree

During arrest in Had Yai, SongKhla Province⁴⁶

On 21st December 2009, six of us went to a Department Store, Had Yai District, Songkhla Prvince, just for fun. At about 9.00 p.m, when I was in front of the department store, a group of officials wearing green uniforms similar to Defense Volunteer Militia (Or.Sor.)⁴⁷, armed with rifles, walked towards us and checked our identification cards. Then they confiscated the identification cards along with Mr. C19's mobile phone. We were taken to a pickup truck, according to the officials, to an operation unit not very far from the department store.

Upon our arrival, we were ordered to remove shirts and had our headshot taken. We were detained at the unit until 12.00 a.m. We were not allowed to wear the shirts during a common inquiry, conducted by three officials against six of us. A leader or the green uniform

⁴⁶ This first part, before getting to individual parts, is statement that all case 16 -20 made together or confirm to each other statement during the interview as they were arrested together.

⁴⁷ Volunteer force recruited from local civilian. They are trained for border defense work and perform their duty under command of Ministry of Interior.

officials and two officials in police uniform only conducted the interrogator. Nobody else was present, except the three officials in the interrogation. Each was armed with a pistol clipped on the waist.

The officials asked, “Are you criminals or joining an insurgent training?” and “Do you come to Had Yai to instigate unrest.” They removed the pistols from their belt clip, remove ammunitions and order six of us to hold, aim and shoot a pistol. An officer, who C16 remembered that he was from Yala Province, asked me “Had you been trained in Libya?” C20 said I did not know. This police official slapped me on the face.

The officials asked everybody to sign a document with many pages. I did not know what they are and the officials did not explained or read to us.

Before the interrogation, the officials confiscated Mr. C20’s mobile phone, which he had taken photos at the Department Store that we had taken about 20 photos for amusement. In the mobile phone, there was a mocking video clip of Mr. C16 carrying a gun and wearing an army uniform and a downloaded clip of a stone throwing group beating in Indonesia Mr. C15 had downloaded.

The officials in green uniform took me to Had Yai District Police Station. They ordered us to board the back of the truck with the three officials, armed with rifle, guarding us.

At the police station, a police official asked us to sign on a blank piece of paper without anything written in it. The officials did not tell us what it was. They took our photographs. During the whole process, the two armed officials in green uniforms were guarding us. There were other police officials working near in the office, but not anybody else.

The official informed us to wait at a visitor’s waiting area at the Had Yai Police Station. We had not slept until the dawn. The official brought us some breakfast and told us to wait again. Other people asked why we had been arrested. The official ordered us to stand in line, abreast, and took a video record.

We asked the official why it took such a long time to wait at Had Yai District Police Station. The official replied that he was waiting for the responsible area officials to pick us up. About 4.00 p.m., three officials, one in camouflage and the other two in civilian clothes arrived. I remembered that one was a captain from The Narathiwat Rajanagarind army camp aka Pileng Military camp (Pileng Military Camp), in Narathiwat Province. The officials transported us by a black pickup truck and told us that we would be transported to Pileng Military Camp.

During the detention at Pileng Military Camp

When we arrived at Pileng Military Camp, about 20.00 p.m., I saw that my mother had been waiting for me there. I talked to her and knew that about 2.00 p.m., a military official visited her at home and told her to pick me up at the Pileng Military Camp. However, the officials did not allow me to return home and told my mother to return home first.

The officials confiscated all of our belongings, such as belts, shirts, rings, watches and wallets. The official summoned C 18 for an interrogation for about five minutes, then came to other persons and asked who could speak Thai. Mr. C 16 who was more fluent in Thai than the rest of us, was summoned to question. There were two interrogators, wearing green camouflage fatigues, and each was armed with a pistol on the waist. There was not any other person participated in the interrogation. The interrogator asked Mr. C16 what had they

intended to do in Had Yai. I replied that I went for a trip. They asked why we had taken the photos. I replied that the photos were taken for amusement.

About 11.30 p.m., the officials took us to Baan Khok School. I walked back home without telling my mother. The officials did not inform her that I would be back. Before I was released, the officials did not ask us to sign any document and did not return our belongings.

Before we were released, the officials told us to report to them again tomorrow at Baan Khok school on 9.00 a.m. When I saw them accordingly with my mother, I was taken to Pileng Military Camp again.

The second time I was taken to Pileng Military Camp, on the second day, **The officials ordered us to strip to shorts that we wore and took photos of each of us and asked us to carry a card with our name on it.**

We underwent a physical examination, such as, cotton tissue wipes on the body and DNA collection from inner cheeks. At that time I did not know what I was being examined for. The officials collected fingerprints from ten fingers and handed many documents for me to sign.

There were many officials conducting the examination, both females and males, wearing blue uniforms. They were not those officials from Pileng Military Camp. **There was a police official among them. We recognized him as the official from Joh I Rong Police Station. Every step was photographed.**

About 2.00 p.m., we had a meal. At 4.00 p.m., the official from Baan Khok School checkpoint picked us up and dropped off at the School and released us back home.

The next day (Third day), the army officials searched for us at our individual houses and told us to meet the officials at Baan Khok school unit at 8.00 a.m. My relatives and I went accordingly.

When we arrived, the officials notify that we would be taken into custody for 2-3 days. Our relatives did not follow.

When I reached Pileng Military Camp, the official notified me that the smoke of explosive substance was found in the clothes and hands of Mr. C 18 and Mr. C16 and since it seems that we had carried a gun, hence, we would be transferred for an inquiry at the Ingkayuthaborihan military camp. At Pileng Military Camp, the two were summoned for an interrogation one by one. C16 was inquired about guns. The officials did not ask C18 anything.

After that, in the same day, we were transferred to Ingkayuthaborihan military camp. Later, we have found that on the next day (fourth day), **my mother visited me at Pileng Military Camp, but the official told her that I was transported to Inkayuthaboruhan camp.**

During the detention at Ingkayuthaborihan military camp, for 14 Days.

The officials transported us to the back of the truck, with the other officials, armed with rifles on guards.

We reached Ingkayuthaborihan military camp about 6.00 p.m., then officials ordered us to strip, carry a name placard, have our photos taken and sign our names. Each of us was assigned to an individual detention room, with beds, a bathroom, pillows, blankets and windows. The officials locked the door from the outside.

On the first day, we arrived at 20.00 p.m. and we were summoned for interrogation shortly after. Each was interrogated alone, with the details as follows.

Case Study 16

Mr. C19, born 28th May 1994, age 15 when arrested

Every day, I was summoned for interrogations, mostly at night and often during the day time by an interrogator, wearing civilian clothes and unarmed. During each session, the interrogator took note of my testimonies. Any other person was not at the interrogation. On the first day, I was interrogated for many hours from 8.00 p.m.-3.00 a.m. I was inquired repeatedly why I was in Had Yai; whether I went to plant a bomb; whether I had carried a gun, where I was trained and who my close friends were. After finishing the interrogation, the official placed me in a closed cell without any ventilation slit and turned the light on all the time.

During the first night that I was interrogated, the official threw a tumbler at me. I was also punched on my abdomen two times, blindfolded and threatened me with a rope, "Tell me where you would plant the bomb, if not I will kill you." The official tied my head with the rope and further threatened me to "Confess, you will be jailed anyway. Tell all."

I was blindfolded twice from all of my interrogation sessions.

My mother did not know we had been transferred to Pileng Military Camp, thus, the next day she went to see us at the Ingkayuthaborihan military camp. Upon her arrival, she was informed that we had been transferred back to Pileng camp.

Case Study 17

Mr. C20 born 27th July 1992, age 17 then arrested

I was interrogated almost every day. Once, I was told that I have explosive substance on my body. The official asked if I had held an explosive device. I said I had never done that. Then he asked, "where will you plant the bomb?" and "Which friends in the village you are very familiar with?" When I said I did know, the other two officials went to the interrogation room. **They tried to striped and blindfolded me but I resisted. Then they pulled my hair, punched my back and abdomen.** They punched and asked me at the same time. Mr. Che Ming, one of the official who beaten me was the same one who interrogated Mr. C15.

After that, they did not assault me physically. However, they threatened me verbally that they would shoot me if I did not answer the question.

Case Study 18

Mr. C17 , born 12th December 1992, age 17th when arrested

I was interrogated almost every day, with similar questions like my friends had been interrogated. The officials wanted to know where I would plant the bomb. Once, during the interrogation, the **official threatened me to lock me up in a mortuary of people killed by throat slicing.**

Case Study 19

Mr. C18, born 22nd December 1993, age 16th when arrested

I was neither threatened nor assaulted during interrogation. The official interrogating me was a Muslim and not abusive. Like my friend, I was interrogated with the same questions and "Had you known any criminal and a ring maker?"

Case Study 20
Mr. C19, born 19th April 1992, age 17 when arrested

I was not physically abused or verbally threatened. An interrogator asked me, like my other friends, "Did someone order you to do it?"

According to statement from all case study 16 - 20

During the detention, the detention room did not turn the light on all the time. We had access to the light switch. We could bathe before prayers because the room was equipped with a bathroom and prayer rugs.

My family visited me on the second day of my detention at the Ingkayuthaborihan military camp. They visited me every 2-3 days. I could talk to them for about 20 minutes while the soldiers kept their eyes on us from a distance.

When I was released, the officials opened the door and told us we could go home. They took us back to Pileng camp about 8.00 p.m. **We stayed at the camp for a night in a detention room with two adult detainees.** The room did not have any pillow or blanket. When we were in Pileng camp, an official assigned us to clean the toilet.

Before departing the camp, the officials asked me to sign documents and took us to Joh I Rong district police station. The police officials asked us to sign another set of documents and took our photo. We did not know what the documents were and the officials did not explain anything to us. They finally dropped us at Baan Khok School about 4.00 p.m. My mother was waiting for me at the school.

After the release, all of us received an order to report in person at Pileng Military Camp every month for six months. They reasoned that the measure would confirm that we would not escape.

Recently after I was release, I was going to Red Cross Fair when I was stopped by an officer as he wanted to check my IC with the computer database which he found that there is still Emergency Decree detention warrant. The officer then ask me if I was charged with any crime and he also cross check information with Pileng Military camp. Therefore, I had to show the document which was given upon my release with written confirmation that I was once already detained under Emergency Decree. The officer then let me go once he saw the document.

Case Study 21
Mr. C20, born 2 October 1992, age 17 at the incident.

In March 2010 about 9.00 a.m., when I was on the way home from tapping rubber, four army officials, wearing ski masks covering their faces and armed with rifles, stopped me and asked where had I been. I replied that I was back from rubber tapping but they did not believe. Additional officials joined the previous four and I was at hand of about 20 officials.

The army officials took me to a stream back and showed me photos of men that were wanted by the officials to me. My photo was placed in the front. They asked if I knew the rest of the people, to which I said I did not know. The officials said I was lying to them. I remembered soldiers came to a teashop in my village and took my photo.

The officials bound my hand with my rope, striped my pants and shirts, until I was wearing only a pair of shorts. They threatened to shoot me if I did not answer their

inquiry. They forced me to crouching the stream and trample on my back, forcing my nose halfway in the water. Sometime they push my head under the water until I was suffocated, then they stopped. An official cocked his gun, aimed at my head and threatened to shoot. I still insisted that I did not know. They kicked my head. Then they asked me to lead them to the direction I had come from. I was interrogated at the stream bank and the rubber plantation for about an hour.

The army officials put me in pick up truck and took me to my house, there were three of officials, armed with M-16 rifle guarding sitting with me. They removed my bound before reaching the village, ordered me to put on clothes and threatened me not to tell anyone about the incident at the rubber plantation. When I arrived home, they asked for my identification card from my elder sister and took me to the Special Task Force no.38. I reached the Special Task Force at about 11.00 a.m. While I was at the Special Task Force no.38, I was inquired about my personal information and background. Then the army officials told me to wait, as I would soon be transported to the Ingkayuthaborihan military camp. Finally, they took me to a truck bound for Ingkayuthaborihan military camp, with two army officials guarding. Later I learned that after I had been taken to the Special Task Force no.38, a group of army officials went to search my house, while my elder sister was there.

During detention at Ingkayuthaborihan military camp

I reach the Ingkayuthaborihan military camp about 4.00 p.m. An official at the camp confiscated my identification card and led me to a detention room. I was confined alone in the room with windows, beds, and bathroom but the door was locked from outside.

I was detained at the Ingkayuthaborihan detention facility for 12 days. During the first eight days, I was interrogated every day. In every interrogation, there were only the same interrogator and I in the room. Not anybody else was present during the interrogations. The interrogator wore civilian clothes and was unarmed. On the first day, I was summoned for the interrogation from 8.00 p.m. – 10.00 p.m. The interrogator asked how I was detained and whether I possessed firearms. He said someone notified that I helped storing firearms for insurgents in the village. I replied that I did not know and I did not possessed firearms.

Additionally, during the interrogations, the official showed me photos of villagers, asked who I knew and ordered me to identify them. I said I knew some of them but I did not know where they were. **The interrogator further asked, “Had you *sumpoh* (taken oath to join the insurgency) or sworn to aid the insurgency?”**

He asked me to draw a map of the area where I was arrested, around the house and the rubber plantation. Every interrogation afterward was the same. The official asked me the same questions, and ordered me to draw the map. Sometime I was summoned but not interrogated.

On the seventh day, I was summoned for interrogations twice. **The official locked me in a dark room for an hour. The room was windowless. At first, the official turned the light on, and then he left and turned it off. The room was smelly and there were rats running in it. The floor was made from rough cement, with a bathroom, a mattress but not any fan or ventilation silts. It was very hot. The door was the only opening in the room and it was locked from the outside. The room was completely dark and a light switch was outside.**

An hour later, the interrogator took me back to the interrogation room and **told me because I did not provide any answer, I was sent to the dark room. He threatened not to release me.**

On the first eight day, I was confined in the detention room all the time and the door was always locked from the outside. I could only leave when called for interrogations. On the ninth day, I was allowed to leave the room to plant vegetables, feed fish and play football with other detainees.

On the 12th day, the official told me to prepare to go home. Before my release, I was asked to sign seven pages of documents. I did not know what they were because I did not read them and the official did not explain to me. **I saw that the photos of people they asked me to identify the map that I drew.** The official rushed me to sign them so that I could go home. Then he returned my confiscated belongings.

On the fifth day I was at the Inkayuthaborihan camp, there were three non-military uniform officials, one male and two females, conduct physical examinations. They collected DNA samples from my inner cheek and wipe paper on my body. They told me they were from Bangkok and they wanted to collect samples from my body to verify with DNA found at crime scenes. They asked me to counter sign samples of my DNA and collected fingerprints from ten fingers. **During the DNA sample collection, there were only the officials and I.**

The officials took me to the Special Task Force no.38, with two officials guarding. When I reached Special Task Force no.38, the official told me to call the village chief to pick me up. At 7.00 p.m., the village chief took me home.

Before I was released, **the official at Special Task Force no.38 told me to “be careful, you could be shot anytime, but don’t know by whom”** The other official asked me if I would like to join the paramilitary. I did not want to be a paramilitary because of my fear. The official did not give me any document.

After my release, the army officials still search for me at home and asked me about certain villagers. When they visited, I had to be at home. If I was not, they would suspect me. Now I did not dare to go out. After I finished tapping the rubber, I had to rush back home because I did not know when the army officials would visit. Recently, there was an explosion near my house, the army officials visited me and asked where I was during the explosion. **Every time something happened, they would come and asked me the same questions: where I was, whether I took part and if I knew who did it.** Every time I passed a checkpoint, I would be stopped and searched.

When I was detained, my mother visited me three times. The first two days, I did not have any change of clothes. On the third day, she visited me and brought me a change of clothes. When my parents visited, I was allowed to take to them in a visiting gazebo for about 30 minutes. Later, I knew that the officials from Special Task Force no.38 told the army officials at a checkpoint in front of my lane to tell my elder sister that I would be taken to Inkayuthaborihan camp.

Two years earlier when I was only 15 years old, I was taken into custody and brought to Inkayuthaborihan Camp, and I underwent seven days detention. At the time, I was working at a cooperative in the village. The day earlier, there was a shooting on a road in front of the village. The officials surrounded the village and the people in the cooperative were taken into custody. I was summoned for question twice but I was not threatened. The officials asked me about the cooperative but did not inquire anything about the incident of the insurgents. The official also collected my DNA specimen.

Case Study 22
Mr. C21, born 5th April 1993, age 16 when arrested

On 11th November, 2009, at 11 a.m., officials in black uniforms, claimed to represent the Southern Border Province Police Bureau, surrounded my house. The officials asked me to come out of the house and asked how many people were there in the house. I told them that there were three people, namely, my mother, my cousin, and myself. The officials ordered me to call the other two out. I called my mother and my cousin. Then some of the officials got into the house while some others kept watch on my cousin and me.

The officials seized three mobile phones belonging to me, my cousin and my friend, whose phone was broken and my friend asked me to get it repaired for him. While the officials conducted a house search, I was forced to sit with my hands shackle-free behind my back. My cousin was handcuffed with his hands in the back. I was unharmed but my cousin was tortured. The officials also threatened and scolded us. **One official, with his hand raised as if to hit me, asked why I kept a criminal at home.** Every official was armed with a rifle. The officials claimed that the broken mobile phone was used as remote control in a bombing. They asked about the owner of the phone.

I told them that the phone belonged to a friend who asked me to get it repaired for him. The officials also asked why I went to Tatoalo Sub-district (in Yala province) everyday. I told them that I went there to study. I was interrogated about the phone and the phone's owner for quite a long time. **During the interrogation, I was alone with the investigators. My mother was not there.** My cousin was interrogated under a tree while I was interrogated at the bamboo bench in front of the house.

Around noon, the officials took me to Rue Soh district police station. I was taken to the interrogation room. I was asked to point at the phone and had my photo taken. The police, armed with pistol, led me to sit on a bench under a tree in front of a toilet at the back of the police station. The police interrogated me about my friend who owned the phone. **There were only the policemen and I during the interrogation.** The police took note of the interrogation, but did not have me sign any document. Once finished, I was asked to wait in the interrogation room. After a while, a soldier armed with a pistol interrogated me. **The soldier asked about my friend who owned the phone and threatened that I would be sent to Ingkayuthaborihan military camp if I refuse to give information.** The soldier returned to interrogate me several times. I was at Rue Soh district police station until around 5 p.m.

After that, the officials took me to Special Task Force no.30 AKA Chor Kor Wat Suan Dham (Special Task Force No.30). Upon arriving there, I was led to an interrogation room, which looked like an office. There were three armed soldiers in the room. **They asked how come I did not know that there was an arrest warrant for my cousin. They also threatened that I might be charged with providing accommodation to a criminal. The soldiers always shouted at me during the interrogation.** Once the interrogation ended, the soldiers took me to the soldiers' bedroom. My cousin and I had to stay in that room. We were allowed to use toilet and to pray.

My mother was informed by the officials who arrested me that I would be brought to Rue Soh district police station. She was not informed, however, that I would be sent to Special Task Force no.30.

When my uncle went to visit me at Rue Soh district police station, he could not find me. My uncle then tried looking for me at Special Task Force no.30. When my uncle inquired the soldiers there, the soldiers told him that I was not there. My uncle pledged and the

officials later admitted that my cousin was there. My uncle visited my cousin at around 6 p.m. He then learned from my cousin that I was also detained at Special Task Force no.30. Three of us had private conversation with three armed soldiers there all the time. My uncle was allowed to see us for 5 minutes. After the visit, my cousin and I were locked up in the bedroom with an official on guard in front of the room. At around 8 p.m., officials get into the room to interrogate my cousin and me. They took turn to interrogate us. Altogether, they came three times. There were three interrogators, all of them were armed.

One of the interrogators said that they mistakenly thought that I was the one who set the explosion. I could not sleep that night and spent the time talking to the official who was guarding the room.

On the next day, my relatives visited me for about half an hour. The officials let us meet at a pavilion in the Special Task Force with the presence of one official at all time. At 3 p.m., Dr. Phontip⁴⁸ collected my DNA samples and fingerprints. She had me sign on a paper attached to a DNA samples bag. During the whole process, there were only the officials who collected the samples, my cousin and I in the room. The officials did not explain what they were doing. One official in flak vest with a pistol under black jacket asked whether I was practicing gun shooting and why I had a sturdy body. After that, the officials took me to the bedroom. At around 6 p.m., an official told me that I would be brought to Ingkayuthaborihan military camp and then transported my cousin and I by a van. There were five armed officials on guard in the van. On the next day, the official went to my place to inform my mother that I was brought to Ingkayuthaborihan military camp.

During detention at Ingkayuthaborihan military camp

After arriving Ingkayuthaborihan military camp, the officials had me sign a document. My belongings were confiscated. They took my photo from the front, the back and the two sides. My cousin and I were set to stay in separate rooms. The room I stayed had a window, bed and an open latrine. I was detained in Ingkayuthaborihan military camp for another 22 days, 19 of which I was interrogated.

The interrogations were conducted during the day and at night. Usually I was interrogated several times in daytime and one time in the night. I was usually taken by a car to the interrogation room, though sometime I was interrogated outdoor. Usually, the interrogation was done by one unarmed official while two other walked in and out of the room and threatened me several times. The interrogator asked about the mobile phone and my friend who own the phone. They also showed me photos of many people and asked about them.

The officials who walked in and out of the room threatened me that, if I did not speak the truth, I would be killed, or electrocuted. They did not physically abuse me. I was sometime ordered to take off my shirt and stay in low-temperature air-conditioned room. The interrogators sometime allowed me to speak in Malayu language but sometime did not. **I told the interrogators that I was not influence in Thai but they did not provide an interpreter and told me to speak (in Thai) as much as I could.**

After each interrogation, I had to sign a document, which sometime I was allowed to read first but sometime not. **Sometime, the testimony written was not consistent to what I testified. Sometime the testimony linked me to crime that I had never mentioned. When I told the interrogators that the testimony was not correct, they refused to make**

⁴⁸ The director of Central Institute of Forensic Science under Ministry of Justice

correction, claiming that I was involved in that crime since my friend's phone was with me. When there was no interrogation, I was locked in the room all day.

My mother was allowed to visit me no longer than half an hour each time. There was always armed official(s) presented during the visit. Sometime I was asked to relay what I told my mother. I never told my mother about the interrogation or that I was threatened and tortured because I was afraid the officials would know. **When my mother asked whether I was abused, I dare not tell her since the officials threatened me not to tell such story to relatives.**

On the last day of my detention at Ingkayuthaborihan military camp, an official told me to pack and prepare to go home. **I was threatened to be killed if I were arrested and sent there again.** Then officials from Special Task Force no.30 transported me to Rue Soh district police station. The police had me sign a document claimed to be a release paper. Officials from Special Task Force no.30 called my mother and told her to pick me up at the premise. My mother asked the village chief to accompany her. When I got to Special Task Force no.30, **I had to sign a paper, which said that I had been detained under the Emergency Decree.** At around 5 p.m. my mother and the village chief took me home.

Three days after getting back home, five soldiers from 30th Sub-Special Task Force at Sawo Tambon Administration Office surrounded my house at around 5 a.m. They informed me that Captain Bom would like to have to talk with me. I was transported to Sub-Special Task Force no.30 by a car. The soldiers told my mother that they wanted to talk to me but did not tell her where they would take me. Captain Bom asked me about my friend who own the phone. After that four officials from 9th Region Police Training Center took turn to interrogate me. The officials also intimidated me.

At 2 p.m., the officials provided me lunch. **I asked the permission to pray but they did not allow, claiming that the interrogation was more important.** The interrogation continued until around 4 p.m. I transported back home after that. A week later, the same team of officials picked me up from my home at around 5 a.m., Captain Bom and the same officials from the Southern Border Province Police Bureau interrogate me with the same questions. They also showed me the photos of people from my village and asked me to identify them and to give information about those people. They sent me home in the evening.

I missed my class for many days during the detention, that I did not meet the school attendance requirement. I was, therefore, not allowed to attend the examination. I had to re-enroll in many courses.

Case Study 23

Mr. C22, born 18th June 1993, age 16 when arrested

On 23th July 2009, I went to school as usual. While I was cleaning the classroom in the morning, I heard an explosion. At around 5 p.m., I left for home. Approaching my home, some neighbors told me that the soldiers were surrounding my place. I waited until 5.30 p.m., before continuing the trip home. When I arrived at my house, there was no soldier left. My mother told me that the soldiers asked me to go to Uraitat Temple where the Sub- Special Task Force no.32 . I went there with my mother. On the way to the temple, my mother told me that the soldiers asked about mobile phone SIM card. The soldiers took my brother with them and confiscated two mobile phones and a portable USB drive.

We arrived at Uraitat Temple where the Sub- Special Task Force no.32 situated, around 6 p.m. The officials took me and my mother to an interrogation room where my

brother and my grandmother were waiting. There were also several armed soldiers and police officials in the room. The officials asked me about the SIM card which was registered in my name. The officials claimed that the explosion was detonated by the SIM card. I told them that I had not used that SIM card for quite some time and did not even know where it was now. The officials asked about my whereabouts during the explosion. **They threatened me to speak only truth by using intimidating voice. They scared me. The officials also took photo during the interrogation.** They told my mother, brother and grandmother that the interrogation would continue at the Special Task Force no.32 situated at Provincial Water Works Office and then brought me there by a police pick-up truck. I had to sit in the back of the pick-up with police officials on guard. **I was wearing a T-shirt and school shorts. My mother and grandmother followed on a motorbike.**

When arriving at Special Task Force no. 32, the soldiers there led me to wait at a pavilion while my mother and grandmother were waiting outside the Special Task Force. Two unarmed soldiers, not wearing the military shirts, interrogated me. They told me about the explosion and asked where I was at that time, where and when did I buy the SIM card and where/to whom did I disposed it. At around 7 p.m., the soldiers took me to another pavilion where my mother and grandmother were waiting. There were also two other soldiers in camouflage suits there. The officials let me consult my mother and grandmother on what to do next. My mother told me that the officials would take me to Ingkayuthaborihan military camp. I cried for fear to be sent to such a notorious place. I was also worried about my study, since the examination was approaching. My mother phoned my father asking him to come to negotiate with the officials. The officials then took me to an office, telling my mother that this would not take long. **My grandmother requested to accompany me but the officials refused.**

At the office, the officials took my photo from the front, the sides and the back. They had me sign a document but they took away the paper before I could finish reading it. The officials were to take me to Ingkayuthaborihan military camp but my grandmother kept asking them to wait for my father. **I was crying all the time when I was at the Special Task Force no.32. I told the officials that I did not want to go to Ingkayuthaborihan military camp because I was so scared. I also told them that I was studying and the examination was approaching. I also wanted to attend the ongoing sport days at the school.** My grandmother, mother and father also negotiated on the same basis but the officials insisted to take me to Ingkayuthaborihan military camp. They claimed that the mobile phone SIM card that was used to detonate the bomb belonged to me. The officials informed us that they would take me there for only few days. Then, they took me onto the back of a pick-up car to my home to collect other SIM cards that I no longer use and still kept at home. **My grandmother went with them in the pick-up.** After collecting all the SIM cards at my house, the officials did not give me a list of confiscated belongings to sign. At around 8 p.m., the officials took me back to 32th Special Task Force 32 and had me sign a document. I was told to wait for the car to take me to Ingkayuthaborihan military camp.

During detention at Ingkayuthaborihan military camp

After that I was transported by a car to Ingkayuthaborihan military camp and arrived there around 9.30 p.m. **The officials told my relatives that they could visit me in the next three days. The officials gave me food and water. Then they took my photo with T-shirt off.** They also confiscated my watch and money. I was taken to a windowless detention room. The door of the room was made of iron with a small hole to pass things in and out. There

were beds, a wardrobe, a bathroom and a fan in the room. The light switch was outside the room.

I was so scared that I kept crying and did not sleep that night. At around 9 a.m., the next day, an official gave me breakfast. Then I was summoned to an interrogation room. I was detained at Ingkayuthaborihan military camp for 18 days.

During the first week, I was locked up in the room except during the interrogations. In the second week, I was allowed to stay outdoor for 3 days. In that first week, I was interrogated twice a day at 10 a.m. and 10 p.m., about an hour each. The interrogation room did not have window. There were a table, a computer and a fan. Two unarmed interrogators were in T-shirts and jeans. Mostly, I was asked about the SIM card. Sometime, the officials asked me to identify photos of people. On the second day, one of the interrogators talked to me in Malayu language that I should tell them the truth so that this could be over. **Sometime the interrogators used threatening voice, spoke loudly or slammed the table. Sometime I was ordered to take off my shirt and stand on a chair. I was so scared and cried every time I was taken to interrogation. The officials also threatened me that if I did not tell the truth, I would be physically injured and they told me to stop crying.**

After each interrogation, one official called Bird always came to console me. Bird told me not to be afraid and to tell the truth. **I refused to eat the food provided by the officials. I would only take the food gave by my mother when she went to visit me.** My mother visited me every day and was allowed half an hour visit each. I told her about the interrogation during the nighttime. There was always a soldier present during each visit.

On the fifth day, **the officials took me to have my DNA samples collected by six officials, three males and three females, in white lab coats. One of the DNA testers told me that I would be released if they could not match the DNA.** On the last day, the officials gave me so many documents to sign. They told me to pack and then they returned all the confiscated belongings. The officials took me to Special Task Force no.32 by a van. The officials stopped for lunch on the way but I refused to eat. We arrived at the Special Task Force no.32 around 5 pm. I was told to call my father to pick me up. My father and a *kamnan* (head of sub-district) picked me up from the Special Task Force no.32. They signed a paper to release me but the officials did not me give a copy of the form.

A week later, a truck load of military troop came to my house. I was at home with my grandmother. The soldiers searched the house and could not find anything illegal. They gave me a paper to sign to acknowledge the search. Several days later, a police official came to my house and asked me to sign documents at Bajo District Police Station. I had to sign many documents and I did not read them. The *kamnan* (head of sub-district) and his assistant also went there to sign as witnesses. After the release from Ingkayuthaborihan military camp, **a soldier asked me to work with them as informant. I refused saying I wanted to continue my study.**

Case Study 24

Mr. C23, born 12th February 1995, age 15 when arrested

On 26th April 2010 at around 04.00 p.m., police officials in black uniforms and soldiers went by van to my village and surrounded my father's house. My father was alone in the house while I was at a teashop across my home. The officials searched my home and did not find anything illegal. They then proceeded to the teashop and checked the identification cards of everyone in the shop. I did not have it with me and told the officials that my card was

at my grandmother's place where I currently residing. The officials thus ordered me to guide them there.

Upon arriving at my grandmother's house, I showed my identification card to the officials. There were all armed. Five of the officials went to search inside the house and called me into the house. There was no one in the house as my grandmother was not home. The officials ordered me to open the cupboard and the mosquito net. The officials asked who stay here. I told them that only me and my grandmother stay there. The officials found a cloth bundle and called me to have a look and to unfold it. I found several ammunitions, similar to M16 ammunitions, inside the wrap. By that time, my grandmother got back home. The officials then pushed me down into squatting position and asked me to whom these bullets belong. I told them that I did not know. They asked where the gun was. Again, I said that I did not know. **An official harshly slapped my forehead with his hand. The officials took my photo during the search and when I was unfolding the cloth. The officials asked me whether to let them detain my grandmother or myself. I told them to detain me.** The officials took me to the front of my home and asked where the gun was and what was I doing before they arrived. **When I said that I did not know where the gun was, an official raised his hand as if to slap me.**

The officials had me identify the place I was, before the arrival of the officials. I took them to the teashop. Then they forced me to walk back to my grandmother's home again, with one official's hand on my shoulder all the way. After a while, the official took off his hand, pointed a gun at my waist, and threatened that I would be shot if I ran away. Upon arriving at my grandmother's home, the officials forced me to sit in front of the house with two armed-officials side by side. The rest of the officials searched the house again. I sat there for about an hour before all the officials got out of the house and told me that they found a bullet magazine. They did not show me the magazine, though. The officials told me that they would take me away but did not tell me where. While leaving my grandmother's home, my father approached the officials and was informed that they found illegal items at the grandmother's house. They also told him that they were taking me to interrogate at Special Task Force no.38 and he could visit me tomorrow.

At around 5 p.m., the officials took me to Special Task Force no.38 38 in a pick-up truck. I sat in the back seat of the car with two officials on my both sides. One of the officials showed me his own bullet magazine and asked me had I seen it. **I told him that this was the first time I ever saw a magazine.** That official acted as if he was going to hit me with that magazine and told me that this was what they had found at my place. I arrived at the Special Task Force no.38 38 at around 6 p.m. The officials made me sit waiting in a chair with an official from the arrest team next to him kept me under close watch. **The officials gave me a blank form and told me to sign it.** After that, officials from Special Task Force no.38 asked me where they found the evidence. **At around 9 p.m., the official brought me dinner but did not let me take shower or pray. At 11 p.m., they took me to a bedroom, inside of which there was another room where the soldiers from Special Task Force no.38 stayed to keep me under watch.**

On the next day, the officials gave me breakfast at around 9 a.m. **After the meal, the officials took me to meet five policemen who were collecting evidence at to keep me under watch. The policemen examined my body and took DNA samples from my inner cheek. At that time, there were only the policemen and soldiers with me. They did not inform me that they want to collect DNA samples. Nor did they explain what they were doing and for what purpose.**

The officials had me sign a document. After that, they took me to see my mother who came to visit me. My mother brought me clothes and toiletries. I was allowed to talk with my mother for about 20 minutes. I took shower and changed my clothes after that. I was detained in a bedroom with door opened. However, I could not leave the room and had to get permission from the on-guard-officials when I needed to use the toilet. I was detained at Special Task Force no.38 for five days. I was not interrogated during the detention. I was left to stay in the bedroom watching television. My mother visited me every day. Her visit would be cut shorter the day any high-ranking military officials went to the Task Force.

On the last day, the soldier who watched me in the bedroom called me to sit at the table in the room. The soldier asked me about my person information and let me watched the television until finished. **When my mother visited me that day, she was not informed about my release. At around 6 p.m., a soldier from Special Task Force no.38 phoned my father and asked that to whom he complained about my arrest.** The soldier also asked my father to go to meet the Colonel at Special Task Force no.38. My father went to Special Task Force no.38 with the village chief.

The Colonel asked him to whom he submitted the complaint. **The Colonel also informed him that I did not do anything illegal and that the evidence found (from the search) did not belong to me as the officials did not get matching DNA result. However, since the officials found the evidence at my residence, they had to detain me for further investigation. The Colonel told my father that the officials treated me in the same manner that they treated my father during his twice detention at Special Task Force no.38.** When my father inquired when would the soldiers release me, the Colonel said I could go back home now and warned my father not to complain to anyone again, or else the family would be in trouble. Around 8 p.m., the officials had my father and the village chief sign a document that they took me back.

On the next day, while I was walking along the road in front of my home, officials from Nga Ngo Yae Check Point arrived in four pick-up cars. **They came to my place to look for me. They told me that this was simply a casual visit.** When they asked if I still go to stay in my grandmother's house, I said yes, though I actually no longer spent the night there. The officials said I could go back to stay there. I normally stayed at my boarding *Pondok* school and came back home on Thursday night and went to school on Saturday morning. **After the incident, I no longer stayed at my grandmother's place for fear of repeating event and I stayed at my father's instead. My grandmother, therefore, had to stay alone since then.**

The detention made me missed school for five days. When I re-attended the school, my friends and teachers always asked about the arrest, some even teased me. My *Pondok* school was searched by the officials once and three students were arrested in that event.

Before this incident, officials searched my grandmother's house twice but could not find anything illegal. Each time, though, the officials detained some villagers, usually my relatives.

Case Study 25

Mr. C24, born 8th February 1993, age 16 when arrested.

On 16th October 2009, I went to Somdej Garden in Muang District, Pattani with my friends. At around 2 p.m., while I was going back home, two policemen in civilian clothes on

two motorbikes approached us. They arrested altogether 6 people, including my friends and me. They ordered us to ride the motorbikes to Muang Pattani police station. Upon arriving there, we were rounded up in a hall. Then we were interrogated one by one in an interrogation room. There was one interrogator. He asked me how many insurgents were there in my village, did I know anyone of them and did they have explosives.

During the interrogation I was blindfold, threatened and physically abused, kicked and slapped on the face, for example. The officials pointed gun at my head. The police asked me if I even seen bodies of Burmese migrants floating along the river and whether I would like to be like that. I told them I do not want to be like that but even if I do not want, I may have to be like that anyway because the law was in your (the officials') hands.

After the interrogation, they sent me back to my friends who were also arrested. They threatened me not to tell about what happened to my friends. **When I got back into the room, I told my friends about what they did and my friends told me that they were treated the same.** After the police finished the interrogation of all of us, they took us to Special Task Force no.23 Chor Kor Wat Lak Muang (Special Task Force no.23) and made us sign a paper before we left. I could not read so I asked a friend to read out for me. I remember that the paper was about transferring me to Special Task Force no.23.

My friends and I arrived at Special Task Force no.23 around 8 p.m. The police signed a document and had our photos taken without our shirts. They took our photos from the front, the back and both sides. At around 10 p.m., they let us go to bed. There were two tents in the room, one each for two of us. The police provided pillows and blankets. The toilet was outside the room. **On the first night, the police asked if we were hungry. I told them that I was not so they did not bring me food.**

On the next morning, after taking shower, the officials took me and other people to the lawn outside and interrogated us there one by one. The interrogator was wearing camouflage uniform with a pistol clipped to his waist. He asked about the insurgents in my village and asked if I ever sat on the back of the insurgents' motorcycles and if I ever made a bomb. **He threatened me that I would be jailed if I did not tell him the truth.** After the interrogation, the officials let us stay casually at the lawn. In the afternoon, I was interrogated again under a tree in the lawn. The same interrogator tried to persuade me to tell the truth. He did not threaten me this time. The interrogation lasted about three hours. After that, we were let to stay there casually again. At around 9 p.m., an official in civilian clothes summoned me for an interrogation in the bedroom. He asked about my uncle. The interrogation took about half an hour and I was allowed to go to sleep after that. The bedroom door was not locked but there was an official on guard outside the room.

On the third day, I was allowed to stay outside the room all day. In the night, the official interrogated me and other friends together. One more friend from my village joined us that day. The same official, armed in camouflage uniform, asked us about the insurgents in my village. **On the last day we were taken to the Ingkayuthaborihan military camp to collect DNA samples. They had me take off my shirt and took my photos while I was holding a paper with my name written on it.** They did not make us sign any document after they collected the DNA samples. After that, we were taken back to Special Task Force Lak Muang Temple. The officials asked me if I wanted to go home. However, they did not take me home but took me to Special Task Force no.11 at Sataeng Nok, Yala Province instead.

I arrived at Special Task Force no.11 around 4 p.m. I was detained here for another four days. The officials had my photos taken with my shirt off. I had to sign a document. One

official said I was as small as a puppy, how dare I fight (them)? Then the officials call us one by one to the pavilion for interrogations. There were four interrogators. They asked about the phone SIM card. Why did I buy so many SIMs card? Did I need the SIM card to make bomb? Whom did I give the unused SIM cards to? They also asked about the *Ustaz*, a religion teacher, from my village. **During the interrogation, the interrogators spoke in loud voice and in threatening manner.**

They banged the table and took out their guns as if there were to hit me. Before they ended the interrogation, they threatened me not to tell my friends about this. The officials arranged for us to sleep in a big hall with 10 tents, one for each of us. The room was not locked. There were two officials on guard in front of the room and we need to get permission to go to toilet. On the second day, we stayed only in the room. On the third day, the officials called me for an interrogation at the pavilion at around 1 pm. They were the same interrogators as the previous day. After that, the officials took me and another friend out to identify the shop that we both bought the SIM cards.

We were taken back to Special Task Force no.11. At around 7 p.m., the officials called me to have an interrogation at the same pavilion by the same interrogators. It lasted about half an hour. **One of the officials used his hand to hit me at my head and told me to speak the truth, otherwise I would be hurt.** After the interrogation, the interrogators let me go back to the bedroom. Then the officials told us to pack and we were brought to 9th Region Police Training Centre in Yala. During my stay at the Special Task Force no.11, my mother and the parents of those arrested with me came to visit us. The officials allowed us to meet at the pavilion. We could chat for about half an hour. My mother visited me twice. There was a soldier sitting close to us during every visit.

We arrived at 9th Region Police Training Centre around midnight. Upon arriving there, we had to sign a document. My friends and I were detained there for ten days. We were set to sleep in a room with beds, a fan and a bathroom. There was no interrogation during the first three days there. From the fourth day, we were interrogated every day. The officials would call us one by one for an interrogation. The interrogator was in plain clothes. **On the last day, the officials took me to the police station next to the School to take VDO of me reading my testimony that was noted down by the officials.** After that, my friends and I packed and signed documents. My mother took me home. My mother was not informed that I was transferred here. I asked a friend who was a soldier at Special Task Force no.11 to call her. She visited me at 9th Region Police Training Centre three times. Each time we talked for about 15 minutes.

Case Study 26

C25, age 17 when arrested

The Case of surrounding and arrest at Cha Mao Sam Ton Village

On 26th December 2007

On 26 December 2007, I was sleeping at a mosque near my home as usual. There were about 20 people staying there that night. At around 4 o'clock in the morning, a number of officials surrounded the mosque and arrested us. Five officials got into the mosque and woke us up. They pointed the guns at me. All of the five officials were in black dress with clothes around their faces. We could see only their eyes. After that the officials told us that they would take all of us to Sai Buri police station. Some of the detainees argued that they had to do the morning pray first. The officials then told them to pray right then although it

was not the pray time yet and we had not taken bath. I asked the permission to take bath in front of the mosque. Once I got outside, I was so frightened since there were many armed officials surrounding the mosque. I was so scared. After the pray, the officials took me to a *Tadika* school building next to the mosque. I had to sign a paper that no one read out for me. They took my photo and confiscated all my belongings. The officials told us that they would take us to Sai Buri police station to sign documents and then they would take us back. They took us to board two pick-up cars. I got into the car with other adults. The officials were on guard and pointed guns at the detainees.

When arrived at Sai Buri police station, I and other detainees were ordered take off our shirts and had our photos taken from the front, the back and both sides. We had to sign a document with no one read its content for us. It was around 7 am then. I was told to wait in the room with other detainees. After that, the officials ordered us to get into the detention vehicle of Sai Buri police station. They did not inform us where we were going. I asked the officials where we were going to but the officials refused to let me know. There were armed officials in the car. I and other detainees transported to the Ingkayuthaborihan camp.

We arrived at the Ingkayuthaborihan camp around 11 a.m. The officials took my photos with my shirt off and had me sign a paper. We were locked up solitarily in each cell. I was detained in a windowless cell. There was a loft bed in the room. The latrine has no wall. The cell was dirty and stinky. The officials gave me three meals a day. The food was delivered by other cellmates. I was locked up in the cell for three days. My relatives were not allowed to visit me but they could leave things or clothes for me.

Around 10 pm of the fourth day of detention, I was called to get out of the bedroom and was led to an interrogation room. The room was big and was divided into small cells. There were three interrogators in civilian clothes with black jackets. They showed me photos of people and asked me to identify those who were insurgents. They said if I refused to tell I would be in trouble. They also asked what I was doing at the mosque and whether we were taught something there. My answer was no. Then the three interrogators assaulted me by shoving me away with their feet, kicking and punching me. When the interrogation ended, the officials told me not to tell (about the assault) to my relatives when they visited me. Then they locked me up again and told me that if I refused to tell the truth, I would be here for long time. I was so painful from the wounds but the officials did not give me any medicine.

On the fifth day of detention, the officials took me to have DNA samples test. The test was done by two female officials in white lab coats. They collected the samples from my inner check. They swapped my body and collected my finger and palm prints. On the ninth day, I was called to have DNA test again by four new female officials. I did not have to sign any paper after both DNA tests.

On the tenth day of detention, I was interrogated again at around 7 p.m., in the same room. The interrogators were the same three officials. They asked about the whereabouts of the insurgents. I told them that I did not know. They said how come I did not know because my village was a “red village”. They asked did I want to be hurt again. Then they all assaulted me. After that, they took me into a low-temperature air-conditioned room and locked me up there all night. In the morning, they took me out of that room and brought me back to the cell. In both interrogations, I did not sign any document. I was locked up in the cell until the fifteenth day of detention. On the last day of detention around 5 p.m., the officials told me to pack but did not tell me where they were going to take me. Then the officials returned my belongings and took me into the pick-up car of Sai Buri police station.

When we arrived at Sai Buri police station, the officials called my village chief to pick me up. My parents, however, was not aware that I would be released on that day.

When I was in the Ingkayuthaborihan camp, my relatives were not allowed to visit me on the first three days. They could only leave things for me. After the first three days, the officials allowed visitations. My relatives visited me every day. The officials would let us sit and chat anywhere in the designated area. An official always listened to our conversation and sometime talked to my relatives.

Case Study 27

Mr. C26, born 26th May 1993, age 16 then arrested

On 8 May 2009, officials shot an insurgent dead in my village. At around 11 p.m., soldiers knocked my door. I was in bed and thus woke up to answer the door. The soldiers moved in and locked me up. They put plastic lock on me. My mother was also at home then. I was wearing sarong, no shirt. The soldiers took me to join others who were arrested from neighboring houses. The rest of the soldiers went to search in my house. A soldier pointed his gun at my waist, while I was walking to the house next to mine. At that house's lawn I saw six people in custody. The soldiers ordered me and the others to lie down on the ground with our faces down. There were also armed police officials in green uniform, Defense Village volunteers AKA Chor Ro Bor (ချော့ရဝ်ဗော့) and rangers. There was also an armored vehicle there. I was forced to lay down with my face down until around 1 a.m. The officials threatened that I would be shot, if I run away. After that, they took me and the others onto pick-up trucks to Sai Buri police station. The officials did not tell my mother where they were going to take me to, neither did I was informed.

When we arrived at Sai Buri police station, the police had me and the other detainees sit in a row and took our photos. After that, the interrogators summoned me for an interrogation. There were two interrogators, one in uniform and the other in civilian clothes. They asked if I know the deceased and had I been with him. The interrogation lasted about half an hour. The police made me sign a blank form. After that, they unlock the plastic handcuff and let me join the others, who were arrested. That night we slept in an empty room at the police station. No bedding was provided. The light in the room was left on all night. We did not pray. I could not sleep that night. At 8 a.m., on the second day, the police gave us food, snack and water. At lunchtime, they called us to have DNA test performed by officials in civilian clothes, claimed to be from Yala. The test was done at a table in front of the room that we spent the night. The officials had me write down the number of one to ten on an A4 paper and then collected my finger and palm prints. They did not give me any paper to sign. There was no presence of uniformed police during the process. There were only soldiers. At around 2 p.m., officials gave us food and water. They told me that they would take me home. I was so glad but it turned out that they took me and the others to 15th Infantry Division. Later on that day, we were transferred to the Ingkayuthaborihan camp. My father, my mother and Sub-district chief came to visit me and the others at Sai Buri police station after the transfer. The officials told them that we were not there but refused to tell them where we were. My parents begged them to say where I was, but the officials refused to tell.

The officials rounded the others and me into a car. Before we left Sai Buri police station, our hands were bound with plastic locks. When we got into the car, the officials ordered us to close our eyes, but they did not blindfold us. The officials who guarded us were armed. When we arrived at the 15th infantry Division, just opposite the Ingkayuthaborihan

camp, we got off the car and the officials unbound our hands. We each had to sit on a chair in front of a room, waiting. There were rooms in a row with wall between each door. We had to sit there all the time we stayed 15th infantry Division. Armed officials took turn to stay on guard all the time. I was detained at the Special Task Force 15 for two days. I was not allowed to talk. I had to sleep on that chair. There were lots of mosquitoes in the night. There was no blanket. The officials leased a dog to come near me. In day time, the sun light reached the chair so I had to sit under the sun. The officials did not allow me to take shower or change my clothes. They called me into the room for interrogation several times a day, including in the night time. The interrogators were in plain clothes. They asked if I had ever *Supoh* (take oath to join the insurgents) and if I were with the insurgents. On the last day of detention, the officials took me to the Ingkayuthborihan military camp by a pick-up truck.

At the Ingkayuthborihan camp, the officials took photo of me holding my nameplate. I had to leave my belongings there. Then they took me to the bedroom which was a windowless room with dirty floor. There were beds, wardrobes, a fan and a bathroom in the room. The room was stink with bad odor from the toilet. The officials did not turn on the fan. On the second day of detention, at the Ingkayuthborihan camp, I was summoned for an interrogation at around 10 am. There were a table, a chair and a computer in interrogation room. The officials asked me about the insurgents. They asked the same questions in the second interrogation, too. The interrogation lasted about 2 hours. After each interrogation, the officials had me sign in a blank form. On the last day, I was told to pack and the led to Sai Buri police station. The officials waited for me to meet the visiting relatives first. No document was signed. At around 9 p.m., they took me to 9th region police training centre, Yala province by a pick-up car. After we left Sai Buri police station for a while, the officials stopped the car to tie my and other detainees' hands with plastic locks. When we were about to arrive at the 9th region Police training Center, they took the plastic locks off. I was at 9th region police training centre for 27 days. When I arrived there, the officials took my photos. We were arranged to stay in rooms with window and iron bar. There was a bed and an open latrine. The door was locked. They informed us of pray time. The officials gave us clothes. On the second day, the officials took me and other detainees to have body check. I was interrogated three times in the room. Sometime there was one interrogator, sometime other officials also joined. There was no interrogation in the night. The interrogators wore T-shirts and jeans and were unarmed. They asked me about the insurgent who was shot dead the night I was arrested. My mother visited me every day. The officials allowed half an hour visits. On the last day, they told me to pack to go back home. The policemen from Sai Buri police station transported the other detainees and me to Sai Buri police station. My parents did not know that the police from Sai Buri police station already picked me up, since they were not informed. When we arrived at Sai Buri police station, the officials called Juerango Tambon Administration Office to pick me up. The police did not have me sign any document. After I got back home for a while, the forensic scientists went to examine the scene where there was crossfire between the officials and the deceased.

Other Relevant Case where juvenile are affected by the special legal mechanism

Case Study 28

Mrs. C 27, detained with 3 and 4 years old children, Baan Banglang Village, Bajoh Sub-district, Banangsta District.

On 16th June 2008, a joint forces surrounded and surrounded my village. It was estimated that there were over 1,000 official in the operation. My family and I were terrified to stay at home. At 5.00 a.m., we joined other villagers at a mosque, locating one kilometer from our house.

On 19th June 2008, about 9.00 a.m., the mosque was surrounded off by the officials. Everybody was searched and frisked. An official found that I carried a large amount of money with me. Because no one was home, I had to take it along with me. A female paramilitary who frisked me asked where I was taking the money to, and then I was taken to a truck.

I pleaded the officials not to arrest me because I had to raise my small children, who were with me and were always crying during the surrounding and surrounding the cordon operation. The officials ordered that I must go and the children would be taken with me. My mother went along because she had to help me taking care of the children. We were taking on an army's Humvy truck along with four other arrested women. There were four male army official, armed with rifles guarding the vehicle. At the same incident, all males at the mosque were arrested.

I was taken to Banglang official apartment residence about 2.00 p.m. Later I was transferred to Pongyawee Temple about 7.00 p.m. Finally at 22.00 p.m. I reached Ingkayuthaborihan military camp. At the base, official questioned about my personal information and took photos of me. At 00.30 a.m., I was assigned to a room. The children were sleeping with their eyes open and were crying from time to time during the procedure. When I was detained at the apartment, I was asked about my father and why I carried a large amount of money. Two men in non-military uniforms questioned me for about 15 minutes.

I was detained at the Ingkayuthaborihan military camp for 26 days. Only my two children, my mother and I were occupants or a detention room, which was a closed room without any window. The bathroom was inside. The door was locked from the outside and the light was on 24 hours. During the detention, my children cried to a great extent because they wanted to go outside. Thus, I knocked the door, calling an official and requesting my children to run and play at the parking lot. The request was permitted so the children can leave the room once a day, in the morning or the afternoon. When I was at the Ingkayuthaborihan military camp, the officials brought milk and diapers for my children.

I was interrogated daily at the Ingkayuthaborihan military camp for about four hours. The minimum interrogation session lasted at least one hour and a half. When the official summoned me for interrogations, my children cried until I returned. The children saw the army, the guns and knew that I was arrested. They could not adjust to a detention center and always asked me after I was interrogated where I had been and when we would return home.

On the 20th day of my detention, the door was not locked from the outside anymore, the children could go out to play whenever they wished.

After I was released, military official often visited my house. Sometimes many of them visited. The children were at the house but I think they were familiarized.

Case Study 29

Mr. C28, born 11 December 1991, age 16 years old at incident.

It happened when I was 16 years old, on 22nd October 2008. At the daytime, I was riding my motorbike with a friend from Bannangsta area toward the Yala town for a recreational trip. There was a checkpoint at Taling Chan, Tabing Tingngi Sub-District, Bannangsta District of Yala province. The checkpoint officials intercepted my motorbike and asked to check my friend's and my identification cards. The official found that there was an arrest warrant issued after me. They loaded my motorbike on a truck to Bannangsta police station.

An inquiry official inquired me and alleged that I had involved in the murder of a Defense Volunteer (Or.Sor.) in the area, on the road toward my house in 2007. At that time, I was only fifteen years old. The officer collected my fingerprints and imprisoned me in the police station's prison for a night. My friend called my guardian and told them what happened.

Next morning, on 23rd October 2008, I was transported to Yala Juvenile Observation and Protection center. My guardian wanted to file a temporary release request but it was a weekend, so the request had to be filed the next day, on 24th October 2008. I was finally granted a temporary release. Before a witness examination, I was inquired with a juveniles' procedure. I had to report myself at the Yala Juvenile Observation and Protection center for almost a year. Then I had to present myself at the court.

On 24th August 2010, the charge against me was dismissed by the Court. The Public attorney did not lodge an appeal. A problem during the Court procedure was, the trial was often adjourned during witness examinations.

I joined other program by organized by the military called "Do good and have an occupation," which was arranged before the Ramadan in 2010 (August) at Saraburi province for 45 days. I was trained to be a mechanic at a vocational college. There were other four persons from the same village and about 100 persons in the program. During the training, participants can request for a leave to go back home. They were paid 180 Thai baht for *per diem*, 80 baht was deducted for food and lodging and they were actually paid 100 baht

Case Study 30⁴⁹

Mr. C29, born 9th June 1995, age 14 when abused by military officer.

On 11th May 2009 at around 8.00 p.m. while I was on my way to my corn field to watch out for the cows not to destroy my corn, Military officers asked me to stop my motorbike in order for them to search and ask me a few questions. However, it ends up that the officials were drunk and they beaten me badly. I made complaint to the Muslim Attorney Center Foundation, Yala office.

Later, the case was heard by the Military Court where the court ruled that the official was guilty.

⁴⁹ Information extract from Muslim Attorney Center Foundation case file.

Case Study 31⁵⁰

Mr. C 31

15 years old defendant in security related case detained during case appeal although the court of first instance has dismissed the case against him

A 15 year old defendant in security related case, The Court of First Instance dismissed the case but he is still in custody at the Juvenile Observation and Protection Centre because he is not grant temporary release during the appeal. The bail as advised by his family was 50,000 Baht which is higher than in other case not related to national security. In this case, the court dismissed the case but the law allows the court to consign him to the Juvenile Observation and Protection Centre during appeal.

Picture of document related to the arrest, detention and summon for inquiry under Emergency Decree



Document indicate date of appointment for Summon for Inquiry

⁵⁰ Information extract from Access to Justice Project under Cross Cultural Foundation case file and minute of the Training on Juvenile Justice held in CS Pattani hotel by Cross Cultural Foundation and Muslim Attorney Center Foundation on 6th June 2010.

หนังสือรับรองสถานภาพ

หนังสือรับรอง ที่ 92 / 2551

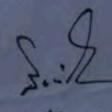
สถานที่ ส่วนควบคุมและรักษาความปลอดภัย
ศูนย์พิทักษ์สันติ ศูนย์ฝึกอบรมตำรวจภูธรภาค 9
ตำบลสะเตง อำเภอเมือง จังหวัดยะลา

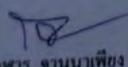
14 กุมภาพันธ์ 2551

ตามที่ ข้าพเจ้า นายชานูชี บาโงบือแค อายุ - ปี ภูมิลำเนาบ้านเลขที่ - ม.6 ตำบลปะแต
อำเภอชะตา จังหวัดยะลา ได้ถูกควบคุมตัวความหมายจับและควบคุมของศาลจังหวัดยะลา ที่ ฉด.24/2551
ลงวันที่ 23 มกราคม 2551 เพื่อดำเนินการสอบสวน พยานพ้อง รอง สวป.สภ.ปะแต จว.ยะลา พร้อมพวkJหน้า
ที่ตามพระราชกำหนด การบริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ. 2548 จับกุมตัวข้าพเจ้าฐานเป็นผู้ต้องสงสัยตาม
พระราชกำหนดการบริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ. 2548 เพื่อให้ปล่อยตัวเมื่อวันที่ 23 มกราคม 2551 นั้น
บัดนี้ ได้ตอบการซักถามเสร็จสิ้นแล้วและยุติการซักถาม โดยทางราชการ ได้อนุญาตให้ข้าพเจ้า
เดินทางออกจากสถานที่ควบคุมตามพระราชกำหนดการบริหารราชการในสถานการณ์ฉุกเฉิน พ.ศ.2548 ตั้งแต่วันที่
14 กุมภาพันธ์ 2551

ในระหว่างการให้ปล่อยตัวแก่ ศูนย์พิทักษ์สันติ ศูนย์ฝึกอบรมตำรวจภูธรภาค 9 ศูนย์ปฏิบัติการ
สำนักงานตำรวจแห่งชาติส่วนหน้า หรือหน่วยงานที่เกี่ยวข้องตามพระราชกำหนดฯ ข้าพเจ้าได้รับการดูแล
เป็นอย่างดี มิได้ถูกทำร้ายร่างกาย ทุบตี หรือ กระทบการใด ๆ อันทำให้ข้าพเจ้าเสียชื่อเสียงและ
สิทธิมนุษยชน หรือกระทบการอื่นใดอันเป็นการขัดต่อหลักแห่งกฎหมาย ในมาตราที่เกี่ยวข้องตาม
พระราชกำหนดฯ ประมวลกฎหมายอาญา และประมวลกฎหมายวิธีพิจารณาความอาญา ตลอดจนกฎหมายอื่น ๆ
ทุกฉบับ อนึ่ง ทรรศนะที่ข้าพเจ้านำมาคิดตัวมาในระหว่างถูกควบคุมตัวนั้น ข้าพเจ้าได้รับคืนครบถ้วนทั้งหมดแล้ว

ข้าพเจ้าได้อ่านหนังสือบันทึกคำรับรองโดยตลอดจนเป็นที่เข้าใจและรับว่าถูกต้องตรงกัน
จึงลงลายมือชื่อหรือพิมพ์ลายนิ้วมือในบันทึกฉบับนี้ไว้เป็นหลักฐาน พร้อมทั้งได้สำเนาแจกจ่ายให้กับผู้ลง
ลายมือชื่อไว้ครบถ้วนทุกคนด้วยแล้ว

ลงชื่อ นาย  คุมตัว ลงชื่อ ร.ต.ท.  ผู้ส่งตัว
()
รอง สว.๑ / งานธุรการควบคุม ศพต.๑

ลงชื่อ ร.ต.ท.  ผู้รับ ลงชื่อ ส.ต.ต.หญิง  พยาน
(โสภาร จานนาเพียง)
รอง สวป.สภ.ปะแต (อ้นยารัตน์ เกิดสุขนิรันดร์)
หน.หมู่๑ / จนท.งานธุรการควบคุม ศพต.๑



Document countered signed by the detainee confirmed that such person has been detained under Emergency Decree. It is also written that the detainee was properly treated and was not torture during the detention. This exact same form of document are given before release for those who have been arrest to carry with them self at all time and to present to official when checked to prevent them from being re-detained.

APPENDIX 4: RECORD OF CASES REPORTED TO CrCF and MAC
DURING JUNE 2010 – JANUARY 2012

Case 1

Mr. A, 17 years old when arrested.

On 17th July 2010 at 2 p.m., military officials from Special Task Force No. 32 in Bajoh Distrct, Narathiwat Province operated surrounding and search of Dookoo Village in Bajoh Sub-district and arrested 2 people, one of which is Mr. A. Mr. A was detained by virtue of Emergency Decree warrant at 9th Region Police Training Center in Yala province. During detention, Mr. A was interrogated about Mr. A's knowledge of another suspect. At the time of incident, Mr. A is 17 years olds juvenile and a student at grade 11 in Chroenvittayanusorn High School in Narathiwat Province.

Case 2

Mr. B, born 5th November 1996, age 14 during indicent

On 17th December 2010 at about 4 p.m., military and polices surround and search Mr. B house. During the search, there were several gunfired and Mr. B's brother in law was found dead. On site during the incident, Mr. B was interrogated and badly beaten up by many officers where he reported that he was slap, kick and threaten. Mr. B was later sent to Pattani hospital where he was also interrogated at the hospital and was asked to signed official record of search operation and arrest. Mr. B was hospitalized for almost 2 weeks and later received compensation from Pattani Governor for amount of 30,000 baht.

Case 3

Mr. C, born 6th September 1995, age 16 when arrest

On 28th October 2011 at 2 p.m., military and police officers surrounded and searched Pangnoe Village in Mayor District, Pattani Province. The officers ask for Mr. C but he was not at home. However, the officers search Mr. C house without any warrant where they found nothing illegal. Again on 5th November 2011, military and police officers surrounded and searched Mr. C house where they confiscated Mr. C mobile phone as suspected to be link to the recent bombing incidents in Yala Province. On site during search, Mr. C was also interrogated where he was informed that he will be taken to 9th Region Police Training Center in Yala province for further interrogation. However, Mr. C's older sister ask if he could go after the end of fasting period, the officer allowed as requested. His mother took Mr. C to 9th Region Police Training Center on 10th November 2011 where on the same day Mr. C was taken to Yala Police Station. The police informed Mr. C's mother that Mr. C will be interrogated and taken DNA samples, without any warrant, without informing charge and his mother were not able to observe the process as the police claim that their authority under martial law. However without informing his mother, at around 10 a.m. Mr. C was taken to Special Task Force No. 11 for interrogation about recent bombing incident in Yala Province. During interrogation, he was also threaten where the interrogator crush his neck and push his head against the table demanding Mr. C confession of his involvement that he has lend his mobile phone to his uncle that link

to the bombing. Due to the pain, Mr. C confessed then he was ordered to signed a document which he does not know what is written. Mr. C was then taken back to 9th Region Police Training Center and back to police station again at 7.30 p.m. where he was later release on the same day.

Case 4

Ms. D was detained together with her 3 years old child,
at the same even with two juveniles and one 18 years old.

On 11th December 2011 at about 11 a.m., police and military officers from Special Task Force No. 38 surrounded and searched a village in Rangae District, Narathiwat Province, as well as Ms. D's house. Ms. D together with her 3 years old child then was taken to Special Task Force No. 38 as well as another 3 arrested, two of which is 17 years old juvenile and one 18 years old. Thereafter at 11 p.m. the 2 juvenile detainees was released. Whereas Ms. D was told that by the officer that she must tell her husband to report himself at Special Task Force No. 38 in exchange of releasing of Ms. D and her child. On 12th December 2011, Ms. D was released with condition that she mush report herself to Special Task Force No.38 everyday for 7 days, the same condition as given to the two juveniles up on their release. On 13th December 2011, Ms. D and her husband report themselves at Special Task Force where they have witness the 18 years old detainee