

Prime Minister reiterates call for Thais to work together on reconciliation process

On 23 May 2010, Prime Minister Abhisit Vejjajiva spoke in his weekly television program about the events of the past week and about what his Government will do to help the country return to normal.

The Prime Minister first noted that security officers had returned the Ratchaprasong area to the Bangkok Metropolitan Administration (BMA), which had invited people of Bangkok to join in clearing and rehabilitating the area. On Monday 24 May, he said, government offices and business would resume as normal, and schools would reopen. The Prime Minister also will return to work at Government House, while the Centre for the Resolution of the Emergency Situation (CRES) will move to a location nearby.

Reviewing the situation over the past week, Prime Minister Abhisit recalled that 10 days ago, he had proposed a reconciliation plan along with an early election date of 14 November 2010 if the situation improved. He had invited all sides to join the reconciliation process, but the protest leaders took more than a week to express their agreement in principle, and then refused to end their rallies and join the reconciliation process. The Government therefore had to take steps to restore order, since the protesters' prolonged occupation of the Ratchaprasong area had impacted tremendously on the public and the economy. The government was committed to end the protests with as few losses as possible. However, had the officers moved in to disperse the rallies, it could have led to much loss, as the experience from the incidents on 10 April 2010 had shown that there were armed elements among the protesters with a large number of weapons and other materials to resist.

With this in mind, Prime Minister Abhsit said that the Government decided to cordon the protest areas to prevent more people from moving in, and to pressure the protesters to leave. To do this, the security officers had set up check points in four places around the Ratchaprasong area, outside the shooting range of M 79 grenades. While the officers conducted these cordoning operations, some protesters—including armed extremists--attempted to attack the check points, located at the Din Daeng, Rachaprarob, Bon Kai, and Rama IV area. Some 46 people lost their lives during this period. These deaths, which included journalists and innocent people, the Prime Minister stressed, were unrelated to the protest area at Ratchaprasong, but resulted from the attacks on the officers' check points. The officers had to respond to protect the check points and defend themselves, in accordance with the clearly stipulated rules of engagement. More than 100 M 79 grenades were fired at the check points during these attacks but losses among the officers were minimized since they had positioned themselves outside the M 79 range.

This notwithstanding, the armed groups continued to attack innocent people and other groups, such as foreign journalists and emergency medical and health volunteers, to inflict losses as a way to pressure the Government. As pictures showed, they also put a child on their bunkers, apparently to warn officers that if clashes occurred, the casualties would include children.

Such acts of provocation and extremism, Prime Minister Abhisit noted, were carried out continuously until on 17 May 2010, when some groups attempted mediation, including by seeking to designate Pathumwanaram Temple compound as a peace area. In this connection, he said, the CRES' position was clear: the best solution was for the protesters to join the reconciliation process and end their rallies; otherwise, more losses would occur, and it would not be possible to allow the protesters to occupy the Ratchaprasong area indefinitely. Meanwhile, there were other groups of people who had indicated their readiness to take matters into their own hands. Hence, the Government's stance conveyed through the mediators on 17-18 May was for the protesters to end their rallies and seek reconciliation along the line of the proposed five-point reconciliation plan. But the protesters came back by calling for a ceasefire. To this, the Prime Minister said, the Government explained that what the security officers had done was set up check points, and they would use weapons only to protect themselves and others, and to respond against those clearly identified as armed with intent to inflict harm, such as when the shot at the leg of a person who attempted to light up a gas truck.

Recounting what had transpired, Prime Minister Abhisit said that he was contacted by the President of the Senate who informed him that a group of senators wished to help mediate, as well as by another group of senators who did not agree with negotiation and believed the best solution was that the protests be ended. He further said that the President of the Senate informed him that the protesters' attacks against the officers would end by 18.00 hrs. The President of the Senate agreed to convey the Prime Minister's view that there should be no operations by the protesters, and normalcy should be restored to the Rachaprarob/Din Daeng and Bon Kai areas. But this did not materialize. In addition, the Prime Minister said, he was contacted by group of NGOs which conveyed the UDD's proposal that the military withdraw so that the masses could regroup in the Ratchaprasong area. This latter proposal would not resolve the situation, but rather would make it worse by increasing the number of protesters at Ratchaprasong after the authorities had managed to reduce their number. In this regard, the Prime Minister noted that negotiation would not work unless the protests were called off.

This chain of events led to the authorities' decision on 19 May to resolve the problem in the Lumpini Park area, from which M 79 grenades had been launched, weapons used to instigate violence were stored, and through which people and weapons were moved to Bon Kai area. The objective was to tighten the cordon at Sarasin Intersection. The operation went smoothly, although regrettably six lives were lost including one military officer and one foreign journalist. The circumstances of those deaths were under investigation, the Prime Minister said. Amid continued M79 attacks by the armed groups, the authorities applied further pressure, leading to the protest leaders announcing the end of the protests and turning themselves in; police began the justice process on the afternoon of 19 May.

Meanwhile, the remaining protesters still did not or could not go to the National Stadium, which the authorities had designated as a staging point to ensure their passage home. Some gathered at Pathumwanaram Temple, Amarin Plaza and Police Hospital. At the same time, extremists began to set buildings on fire in various locations

in Bangkok and other provinces including Khon Kaen, Udon Thani and Ubon Rachathani. All these occurred swiftly with preparations made in advance, while the officers were prevented from responding by violent resistance and obstruction from armed groups.

The Prime Minister noted that the military officers halted their cordoning operations to allow protesters to return home after their protest ended, and that officers entered the Ratchaprasong area thereafter since no protests remained.

Prime Minister Abhisit affirmed that the deaths that occurred on the evening of 19 May at Pathumwanaram Temple must be investigated. Such an incident – which based on witnesses' accounts took place around 18.00-19.00 hrs. – should not have happened in the area proposed by NGOs and the Thai Red Cross as a sanctuary for women, children and the elderly. However, armed protesters also were in the area. The Prime Minister stressed that the facts must be found, which would be the duty of an independent fact-finding committee that will soon be established.

In this connection, Prime Minister said that he was in the process of approaching an appropriate person to chair the committee, and said that all government officers would be open to scrutiny, in accordance with the law and international standards. Meanwhile, the opposition has expressed the intention to seek a no-confidence debate against the Government, a move which the Prime Minister regarded as an opportunity to provide information to the people to dispel rumors that have caused confusion.

The Prime Minister said that the authorities have put the situation under control and returned the area concerned to the Bangkok Metropolitan Authority (BMA). A large amount of weapons were found, including M 79 grenades, incendiary bombs and different types of bullets, as well as vehicles adapted to be used as car bombs.

With regard to prosecution of those breaking the law, Prime Minister Abhisit noted that while most protesters had returned home, a number of armed individuals had been arrested. As for the protest leaders, they were detained in accordance with the warrants issued under the Emergency Decree, which stipulates that they shall not be detained at police stations, detention centres or prisons, or treated as convicts. After the Department of Special Investigation (DSI) gathers evidence for charges, arrest warrants will be issued for criminal prosecution.

With regard to security measures, the Prime Minister said, the CRES will continue to review the situation. In this regard, the curfew will be extended for two more days but from 23.00 hrs. to 04.00 hrs. so as not to cause undue effect on people's daily activities.

Regarding how to address the impact of the recent events on Thai people, Prime Minister Abhisit said he recognized that the prolonged situation had caused concern, but that he was confident in the fundamental peace-loving and kindness of the Thai people. Despite differences of opinions, he noted that all Thais live in the same

“house”, and he called on them to join hands in rebuilding it on the basis of the five-point reconciliation plan. He also called on people to be open-minded to news and information and help one another understand the actual situation, observing that over the past two months, the protesters had received no information other than that given to them at the protest site.

As for the need for psychological rehabilitation, the Prime Minister said that this must be done national-wide alongside the reconciliation plan. He said that he would move forward with the convening of a people’s assembly, which had to be postponed from the initial date of 20 May. In addition, a national survey will be conducted to ask people about their needs and wishes, along the same line as conducting population censuses, so that the work on the reconciliation plan will be on target. All sectors of society and all people at all levels, including village chiefs, public health volunteers and civil society representatives, can participate and help move the process forward. The whole nation, he said, had to go through this learning process together, and it was not for the Government or the media to dictate what people should learn.

Furthermore, in addition to the committee working to provide assistance to employees and entrepreneurs of small- and medium-size businesses, the CRES has started to register businesses affected by the events on 19-20 May, with more than 1,000 people registered. The Prime Minister underlined the urgency to find funds for these businesses to start up again.

With regard to political issues, including a constitutional amendment, Prime Minister Abhisit recalled that work had already been done by a parliamentary committee, with six issues identified as problematic. Given the objection raised by many that this would only benefit politicians, the Prime Minister had proposed putting the amendments to a referendum, but some did not accept the idea. Bearing this in mind, he therefore proposed that a non-political mechanism be involved to help resolve these matters. With regard to general elections, the Prime Minister affirmed that he never dismissed the idea of dissolution of the House of Representatives before its term expired. His earlier proposed date of 14 November 2010 was made on the basis that all sides join in the reconciliation process, so that the vote could be held in a free and fair manner and in a peaceful environment. Since this offer was rejected, the Prime Minister said he would review the situation, which remains unresolved.

Noting the position of foreign governments, Prime Minister Abhisit said that the Government has continuously updated them about the situation. He observed that some Thai press reports had not been accurate about other countries’ positions. These countries understood the situation, did not want to see violence and supported the reconciliation process. Some also appealed to the opposition and the UDD protest leaders to call for an end to acts of arson and other violent activities. Others called on facts to be established about the government’s actions, which, the Prime Minister noted, was along the line that the Government will pursue.

**Common misperception of foreign media
regarding the current situation in Thailand**

1. Government's legitimacy: *The Abhisit Vejjajiva Government is "unelected" and lacks legitimacy, or came to power through dubious means with manoeuvring by the military.*

- The present Government was formed through democratic, parliamentary means and in accordance with the Constitution of the Kingdom of Thailand.
- When the House of Representatives had to elect a new prime minister to form a new government in December 2008 after the previous one was disqualified due to electoral fraud, the majority decided to elect Mr. Abhisit – himself a seven-time elected Member of Parliament – prime minister in an open, roll-call vote, over the other contender, Police General Pracha Phromnok (rtd), who was nominated by the Pheu Thai Party.
- This was done by the exact same procedures and by exactly the same House of Representatives as in the cases of his two predecessors, to whom Mr. Abhisit had earlier lost the contests to lead in forming a government.
- In fact, the process is similar to the British system. It is not unusual in a democracy with a multi-party system, particularly when there is a hung parliament, that the House may decide to give a chance to form a government to a party other than the one which won the most seats but fell short of a clear majority, and that political parties may switch support from one party to another.

2. Use of "live ammunition": *The security forces used excessive forces and fired live bullets at unarmed protesters, shooting also at journalists and deploying snipers, thereby leading to casualties.*

- Since the protests started on 12 March, the Government has always exercised utmost restraint and caution, trying to avoid unnecessary violence and confrontation. It has done so despite a call for more forceful measures from some part of society, so much so that some had even questioned whether the Government was capable of handling the situation.
- From the beginning, the security officers have clearly stipulated rules of engagement in accordance with international standards, including strict instructions on the use of live bullets.
 - When the officers started to cordon the protest areas on 13 May, there instructions were clear. Use of live bullets was limited to three situations only, namely, 1) as warning shots, 2) for self-defence so as to protect the lives of officers and the public when absolutely necessary, and 3) to shoot at clearly identified

individuals armed with weapons, who might otherwise cause harm to officers and members of the public.

- Also, to prevent repetition of the casualties suffered due to head-on confrontation between security officers and terrorist elements amongst the protesters on 10 April, the officers were authorised to use shotguns against armed groups and terrorist elements approaching security units, but they must only aim below the knee level.

- Under no circumstance would these weapons be used on women and children. There is thus no intention to take lives or cause unnecessary harm.

- Second, it was not the case that the officers were the first to use force. The latest security officers' operations, which started on 13 May, was to cordon off the protest areas at Ratchaprasong by setting up check points along the perimeter, with no intention of moving in. They were however attacked by armed elements, using war weapons, including M 79 grenades, hand grenades, live bullets and other weapons, and harming not only the officers but also innocent bystanders in the areas. The officers thus had to respond and they did so in accordance with the rules and instructions.

- After the protests ended, these armed elements continue to instigate incidents, including at Pathumwanaram Temple, by using weapons to attack those who tried to get out of there and obstruct officers from sending assistance to them.

- What took place at Pathumwanaram Temple was pre-meditated and reflects a well planned counter operation on the part of the armed group who knowingly took advantage of the temple's designation as a safe area for unarmed demonstrators, particularly, women, children and the elderly, and not least foreign journalists. This was made all the more evident by the large amount of weapons discovered in the protest area under the control of demonstrators.

3. Press freedom: *The Government has imposed press censorship, blocked web sites and banned community radios.*

- The Government has attaches great importance to freedom of the press, and the sheer size of the Foreign Correspondents' Club of Thailand alone should reflect the ease with which the media can carry out their work. Also, during the UDD protests, the media, Thai and foreign, have been able to report on operations by security officers.

- That certain TV channels, community radios and websites have been blocked or suspended is due to the fact that these have been used to manipulate and incite hatred among people by disseminating false or distorted information.

Security Operations and the Overall Political Situation in Thailand

- Following efforts by the authorities to cordon off the protest area at Ratchaprasong Intersection since 13 May 2010, it has become evident that armed elements among the protesters have conducted continuous attacks upon security forces manning the various checkpoints and instigated acts of violence, rioting and arson aimed at destabilising the situation.

- Consequently, on 19 May 2010 at 05.45 hrs., the Government began operations to tighten the cordon to secure the perimeter around the protest site at Ratchaprasong Intersection so that security officers would be able to better provide security and safety for the public in those areas – especially to protect them from those armed elements using weapons of war.

- The first phase of the operations was to secure the Lumpini Park area, which had been used by the protesters to hoard and hide weapons used by terrorist elements to attack security officers as well as innocent people.

- After being able to secure the Lumpini Park area at around 07.15 hrs., the security officers then moved to tighten the cordon around the Ratchaprasong area from three directions, namely, Sam Yan, Henri Dunant and Saladaeng Intersections. These operations were met with resistance from armed elements among the protesters who used weapons of war, including M79 and assault weapons. They also instigated incidents by breaking in and setting on fire many buildings. The CRES thus had to order security officers to move in. Under pressure, UDD protest leaders announced the end of protests at around 13.45 hrs., following which the security officers were ordered to halt their operations.

- Some of the protest leaders, such as Jatuporn Prompan and Natthawut Saikua, have turned themselves in with the police. As for other protesters, the officers are working to facilitate their safe passage home by arranging transportation for them.

- Despite the protest leader's call for protesters to end their demonstrations, however, some protesters, especially the hard core elements, have continued to instigate disturbances and rioting in some areas of the city, destroying properties and setting buildings on fire, targeting in particular members of the media whom they believed were responsible for reports not in their favour. It should also be noted that one protest leader was recorded on tape earlier inciting the crowd to commit such acts of arson.

- In the immediate term, security forces have continued working to stabilise the situation. In particular, priority has been given to providing security and medical care to those in need, as well as helping innocent demonstrators as well as other members of the public, both Thai and foreign, return home.

- Regarding events at Pathumwanaram Temple where a number of demonstrators and members of the public gathered after the protests ended, the authorities concerned had endeavoured to send in officers and medical teams to extend assistance but were met with violent resistance from armed groups. Meanwhile, those who tried to go from there to the National Stadium, used by the authorities as a staging point for their safe passage home, were attacked by those armed with weapons of war. It took several hours before security officers could clear access to the temple to bring those who had been injured or lost their lives out. Subsequently, a forensic team had been sent

to inspect the area. What took place at Pathumwanaram Temple was pre-meditated and reflects a well planned counter operation on the part of the armed group who knowingly took advantage of the temple's designation as a safe area for unarmed demonstrators, particularly, women, children and the elderly.

- As for the situation in other provinces, attempts have been made to instigate incidents, including arson, the burning of tires and looting. In response, security officers have been working in coordination with provincial authorities to ensure peace and order. Thus far, they have been able to control the overall situation, arresting in the process a number of perpetrators.

- As security officers and emergency response teams continue to work to control the situation, given these disturbances, the authorities have decided to extend the curfew to 20 - 22 May from 21.00 hrs. to 05.00 hrs. of the following day. People in Bangkok and the other 23 provinces where the Emergency Decree is in effect are asked to remain indoors during these hours, unless otherwise permitted by officials.

- With regard to calls for transparency and scrutiny of the authorities' operations, the Government has made it clear that in carrying out these operations, the officers – as in all other cases – abided strictly by the rules of engagement established by the Government in accordance with international standards. The operations were also conducted transparently, with members of the media, both domestic and international, able to report upon the security force's operations.

- The Government is open to scrutiny and stands ready to be accountable in accordance with the law. It also stands ready to cooperate with inquiries by independent agencies such as the National Human Rights Commission.

- The Government understands well that the country will have to go through a reconciliation process. That is precisely the reason why the Government will press forward with the five-point roadmap proposed by the Prime Minister, which addresses all of the legitimate grievances raised by demonstrators, including problems of poverty, social disparities and injustices, or misuse of media as tools to instigate hatred and division.

- Looking ahead, the Government will continue to reach out to all Thais throughout the country in working out the details of the roadmap, which has received broad based support from all segments of Thai society. It is therefore hoped that the demonstrators will agree with this approach to move the country forward and participate in the process.

- Last but not least, the Royal Thai Government attaches the utmost importance to the safety and well-being of foreign nationals and members of the diplomatic corps in Thailand. It will continue to do its utmost to provide security for them and stands ready to extend any necessary assistance which may be needed.

- This is why the Prime Minister has proposed as one element in his reconciliation plan the need to ensure that the media can operate freely and constructively without being used as political tools, as had happened in recent years, including by establishing an independent regulatory body for the media. From the discussion that the Prime Minister has with the representative from media organisations, there is general consensus about the problem.

4. Thaksin's role: *The Government has alleged that the former prime minister has a role in inciting and providing support for the protests and acts of violence, which the latter has denied.*

- It is clear to the Government that the former prime minister has played a pivotal role in the demonstrations not only by inciting people to carry out a “people’s revolution”, but also by instructing UDD leaders to reject the Prime Minister’s reconciliation plan, which they had earlier agreed to in principle. As the latest events have unfolded, there are strong suspicions that Mr. Thaksin may be involved with the acts of widespread terrorist acts that have occurred in Bangkok and some other provinces. The authorities are gathering evidence that would lead to further prosecution against him in accordance with the law.

- Now it is public knowledge that he has hired an international lawyer – Robert Amsterdam of Amsterdam & Peroff – who has been going around giving interviews to discredit the government and defend Mr. Thaksin’s interests.

- Nevertheless, the fact remains that the former prime minister is a fugitive of the law. Unlike other Thais, he has refused to serve his sentence, while continuing to use the justice system, which he himself criticised as unjust, against others.

5. Urban and rural divide: *The crisis in Thailand reflects the deeply rooted divisions between the urban rich and rural poor. The Government is backed by, and works for, the aristocratic elites, including the Privy Councillors. The red-shirt movement thus reflects discontentment of the general Thai public over the current state of play.*

- While economic disparities exist, it is not accurate to portray Thailand’s political problem as an urban rich versus rural poor conflict, or a “class struggle”. Such rhetoric has been employed by the protest leaders to create group emotion, playing on people’s grievances and sense of injustice.

- The Government well recognises the need to address the social grievances. It has been doing so through its first and second stimulus packages and other initiatives, including the income guarantee for farmers, monthly allowance for the elderly and for public health volunteers, free education and universal health care schemes, as well as capacity building programmes for the unemployed.

- The Prime Minister's proposed reconciliation plan also includes a participatory reform process to address people's grievances such as disparities, poverty and other social injustices in a systematic and sustainable manner. Some progress has already been made on this issue. Government officials, including the Prime Minister himself, have met with representatives of civil society. Eventually, it is envisaged that a special mechanism, working independently from the Government but supported by the government agencies concerned, would be established to carry on the work on a long term basis.

6. The 2007 Constitution: *The 2007 Constitution was written and handed down by the military.*

- The Constitution was drafted by an assembly with public hearing being conducted in all regions of the country. It was accepted by the majority of people through a national referendum – the first one to do so.

- In fact, the present Constitution is based on the 1997 one. But the drafters had sought to correct some of what was then regarded as weaknesses of the 1997 Constitution, in particular those which had opened ways for abuse of power and political interference in independent bodies and scrutiny processes of the executive branch. The provisions with regard to ethical standards of political office holders have also been strengthened.

- Be that as it may, along the way, people may feel that there are deficiencies or provisions that pose difficulties in the administration of the state. In this regard, the issue of constitutional amendment has been discussed. In fact, the Prime Minister proposed this after last April's riots, and he again has included this issue as part of his proposed reconciliation plan.

7. Role of the monarchy in politics: *His Majesty the King has remained silent despite calls by the demonstrators for his intervention, and despite his intervention that effectively ended the crisis in 1992. Some have also alleged that His Majesty has taken sides.*

- The Thai monarchy is above politics. As a constitutional monarch, His Majesty the King never takes sides or involves himself in political matters or conflict. In the past, the King has used the "moral authority" he has earned over the years to make humanitarian interventions when political conflicts pitting the government against the people spiral out of control, such as that in 1992.

- In recent years, however, the monarchy has been dragged into the political conflict by different political groups. Calls for the King to intervene this time are also politically motivated, designed to draw the monarchy into the political fray. This is something that has to be prevented and stopped.

- Political problems should be addressed through political means. Rather than try to seek redress from the King every time the country finds itself with an intractable political problem, it is the Thai people's responsibility and duty to join hand in pursuing reconciliation, and rebuilding and rehabilitating what has been affected by the recent events.

8. Succession: *Uncertainty associated with the issue of succession is a destabilising factor for the Thai situation.*

- The issue of royal succession is clear, both with regard to the Heir to the Throne and rules and procedures as to what will happen should the need arise. Relevant provisions in the current Constitution also lay out the specific roles of the Privy Council, National Assembly and Cabinet.

- Nevertheless, the succession is certainly a difficult issue for Thais to discuss, given what His Majesty has done for more than 60 years for the well-being of all Thai people who regard him as a father figure. It is thus normal for people to be apprehensive.

9. Lèse-majesté: *Issues surrounding the monarchy particularly the issue of succession are important to Thailand's political future but they cannot be discussed due to the strict lèse-majesté law.*

- Discussing the monarchy is not taboo. What is known as lèse-majesté law in Thailand has not been an obstacle to discussions, particularly academic ones, about the monarchy, including how the monarchical institution itself has continuously adapted to the changing environment over the past 700 years of its existence in the Kingdom. In fact, only two years ago, there were lively discussions at the 10th International Conference on Thai Studies held in Bangkok about the Thai monarchy and its role in Thai society.

- But of late, there have been attempts to politicize the monarchical institution to ferment divisions within the country, leading to an increase in lèse-majesté cases. The Government is aware of this and has been trying to address it, taking into account the need to protect freedom of speech.

- Admittedly, this is not easy given the sensitivity involved. There are both those who view that the law is too restrictive and those who see it as too lax. In this regard, to sensitize the enforcement of the law, a special advisory panel has been set up by the Prime Minister as a mechanism to help screen and give advice to the police and the public prosecutor on merits of cases related to lèse-majesté under their purview. It will take, among others, the presence of intention to harm the institution of the monarchy and the importance of people's constitutional right to freedom of expression as important considerations. Furthermore, the panel will study and consider how to make further improvements and promote public understanding about the law with a view to reducing instances leading to lèse-majesté complaints.

10. Human rights abuses: *The Government has committed abuses of people's rights, with risk of forced detention and mistreatment of those arrested. With losses that occurred due to the security forces' operations to disperse the protests, the case can be sent to the International Criminal Court.*

- The Thai government, in working to resolve the current situation, has always given due respect to the principle of human rights, including civil and political rights. As a party to the International Covenant on Civil and Political Rights (ICCPR), Thailand has been transparent about the exercise of its right of derogation under the Covenant in light of the declaration of a severe emergency situation in certain parts of the country. It has also been observing the letter and the spirit of the Thai Constitution, especially those provisions dealing with freedom of expression, and emphasising as its core policy the importance of the rule of law and good governance.

- The Emergency Decree provides various safeguards against human rights abuses.

- For example, with regard to detention, Section 12 of the Decree stipulates that the authorities must seek court permission before making an arrest and the arrest shall not exceed seven days. The Decree also provides that suspected persons shall not be treated as a convict, and that court permission is required for extension of the custody period which can be extended by seven days at a time not to exceed a total period of thirty days. Upon the expiration of such period, if the detention is still required, the competent official shall proceed under the normal Criminal Procedure Code.

- Furthermore, the Decree provides that the authorities must file a report on the arrest and detention of suspected persons for submission to the court. A copy of such report shall be deposited at the office of the competent official so that relatives of the suspected persons may access such reports for the entire duration of the detention. There is therefore no risk of disappearances.

- There is also no blanket immunity provided to officers under the Emergency Decree. Under Section 17 of the Decree, an official can still be made liable for acts which are discriminatory, unreasonable, exceeds the extent of necessity or performed in bad faith. Furthermore, victims have retained the right to seek compensation under the law on liability for wrongful acts. As officials know that they can be held accountable for abuses and mistreatment, the risk of human rights abuses is minimised.

- Importantly, in carrying out these operations, the officers – as in all other cases – abided strictly by the rules of engagement established by the Government in accordance with international standards. The operations were also conducted transparently, with members of the media, both domestic and international, able to report upon the security force's operations.

- At the same time, as made clear by the Prime Minister, the Government is open to scrutiny and stands ready to be accountable in accordance with the law. It also stands ready to cooperate with inquiries by independent agencies such as the National Human Rights Commission.

- On the suggestion of bringing the issue to the International Criminal Court, it should be amply evident that what has transpired in Thailand does not have elements that would constitute a “crime against humanity”. The situation is about maintenance of the rule of law, and the Thai legal system is adequate to bring the perpetrators of violent incidents to justice.

11. International mediation: *Why does the Government not accept international intervention? Given the continued intensity of the situation, with troops firing on people, international peacekeeping forces should be dispatched to help maintain peace and protect the people.*

- The Government is fully capable of handling the situation. All along, it has acted patiently, cautiously and with restraint – not because it cannot enforce the law, but because it chooses to avoid unnecessary violence.

- The situation is about maintaining the rule of law in the face of unlawful protests with armed elements using heavy weapons against officers and innocent people. In so doing, the security officers operated under strict rules of engagement that emphasise a graduated approach in taking measures from light to heavier ones, and strict rules in using live ammunition.

- Despite the international attention it has received, the situation that has occurred is a matter of Thailand’s internal affairs that the Thai people can and should resolve among ourselves. Any international intervention beyond friendly expression of concern could further complicate on-going efforts in this regard.

12. Double standards: *The Government applies double standards in dealing with cases against different political groups, i.e. the People’s Alliance for Democracy (PAD) vs. the United Front for Democracy against Dictatorship (UDD). And there are also double standards in the handling of the demonstrations by the UDD as compared to those of the PAD.*

- For the present Government, there is only one standard and all are equal before the law.

- It recognises frustration of some people about the pace of the cases against the PAD. But the fact is the judicial system in Thailand is independent and separate from the executive system. The Government could not interfere.

- How quickly each case proceeds depends on its complexity, which includes the number of evidence and witnesses involved. Certain cases against the PAD have already been submitted for prosecution, such as the one on intrusion into a TV station. But cases like the blockade of the airport requires more time given the large number of witnesses. Likewise, some cases involving the UDD, for example, their attack on the prime minister's car at the Ministry of Interior last April, remain under investigation.

- The Government has in fact asked the police and the Attorney-General's Office to expedite their work on all major cases which are of interest to the public. The Prime Minister has also instructed the police to come up with a report on the status of major cases, which include those against the PAD and UDD leaders alike.

- With regard to the operations in dealing with demonstrations, the security officers carry out their function in maintaining peace and order within the framework of the law. As opposed to the previous administration, the present Government, in declaring the use of the Internal Security Act and then the Emergency Decree, has made clear that the Cabinet would take full responsibility for the operations. The Government works closely with the police and the military. There is also a clear *modus operandi*. All these have enabled the officers to perform their duties with confidence.

24 May 2010