



## Torture and ill treatment in The Deep South Documented in 2014-2015



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By Duayjai, HAP and CrCF Torture situation in Pattani

## 1. Introduction

Race and religion are the root of the conflict in the southern border provinces and have inspired a history of conflict since the Kingdom of Siam was at war with the kingdom of Pattani. This war resulted in the Kingdom of Siam annexing the Pattani Kingdom along with Muslim Malay areas in the southern region, and creating a colony during the Rattanakosin era under the reign of King Rama I. The areas were later annexed as part of the Kingdom of Siam in 1902, during the reign of King Rama V. Other land in the southern Malacca peninsula belonged to the British Empire. Liberation fighter groups have been demanding an independent state, or the right to autonomy to establish a "state of Patani", all the way through to the present day. Waves of resistance movements opposing the domination of Thai governance and the repression caused by the Thai state have resulted in a protracted social conflict with sporadic periods of violence. This is further exacerbated by the fact that the administrative machinery of the Thai State lacks knowledge and understanding of the religious complexities of the region.

The latest wave of violence is thought to have commenced with the gun robbery at the Piling Military Camp in Narathiwat province on January 4<sup>th</sup>, 2004 and has been ongoing to the present day. Eleven years later the violence in these areas show no signs of decline. According to the Deep South Watch, violent incidents that have occurred between 2004 to 2014 were logged at 14,688 counts, resulting in up to 6,286 deaths which produces an of average 571 deaths per year. A total number of 11,366 people have been injured, producing an average of 1033 persons per year.

The Thai government has been trying to curb the violence by implementing various measures, including the enactment and implementation of special legislation which gives them the authority to search, to prohibit, to raid, to arrest, to confine or to detain a person without a court warrant. The *Martial Law Act 1914* (the Martial Law), the *Emergency Decree 2005* (the Emergency Decree), the *Emergency Decree on Public Administration in State of Emergency 2005*, and the *Serious State of Emergency Order* in the southern border provinces all allow authorities to block, to raid, to detain persons suspected of being involved in an incident relating to national security in a military compound and /or in special facilities for a period not exceeding seven days. Additionally, the authorities can detain a person by virtue of the Emergency Decree for a period not exceeding seven days, with an option to extend the detention for a term of not more than seven days, totaling a period not more than 30 days altogether, without seeking permission of the court. During this time, a detainee does not have to be charged with any criminal offense in order to validate their detention. Although the law established a principle that a person arrested and detained under special laws is only a suspect, and not a person who has been 'accused' of committing a crime under Criminal Procedure, the rights of these individuals remain limited in comparison to an accused in other criminal cases. For example, a detainee is unable to meet relatives or a lawyer; is unable to seek bail or a provisional release; and is able to be visited sometimes but subject to stringent time limitations. In some cases, a detainee's detention facility is concealed, or officials subsequently relocate the individual to a different facility to prevent further access to relatives. The concerned authorities can question anyone arrested or detained by virtue of a special law. This process is geared towards extracting information from the suspects, particularly whether they were involved in the insurgency or not. The process is also an informal means for gathering evidence beyond the authorized scope of the *Criminal Procedure Code*.

*The Emergency Decree Section 11(1), by announcement, authorizes a competent authority to arrest and restrain a person suspected of having taken part in the provocation of the state of emergency, being a principal, inciter or aider therein or thereof, or concealing certain information in connection therewith; prescribed that the arrest or restraint must be made only for the purpose of*

*preventing the person in question from committing or partaking in any action likely to worsen the situation or extracting his cooperation on the abatement of the serious situation.*

Although the laws granted special powers to the authorities to restrict certain freedoms and liberties of people in special circumstances, there is no law, both domestic and international, that grants authorities the power to inflict torture or cruel, inhumane or degrading treatment and punishment (hereinafter referred to as “torture”). Moreover, an act of torture constitutes a punishable crime, for which an official should be held accountable. An official committing an act of cruelty, inhumane or degrading treatment and punishment may be subject to disciplinary or criminal sanctions, as the case maybe. An agency is liable for the wrongful acts against victims of torture. The *Emergency Decree Section 12, Paragraph 1* stipulates that, “the suspect may not be treated as an offender.” Section 12, Paragraph 2 stipulates that, “in carrying out the proceedings under paragraph 1, the competent officer shall submit to the court granting the permission a record of arrest and restraint. He shall also make available at his office a copy of such record, in order that the relatives of the person restrained would be able to inspect it at any time in the course of the restraint.”

As mentioned previously, an operation sanctioned under special legislations, including *Martial Law* and the *Emergency Decree*, allows authorities to detain a suspect up to 37 days in special facilities. Authorities can apply several restrictions whose effect is to prevent relevant organizations from monitoring these detainees, to prevent detainees’ relatives from visiting and lawyers from giving independent counsel. These factors contribute significantly to the rampant use of arrest and torture of detainees, to which supervisors and/or state agencies are accomplices. The *Cross Cultural Foundation* (CrCF) and network organizations have been receiving many complaints from detainees and arrestees that they were tortured and/or subjected to cruel, inhumane and degrading treatment and punishment. Hence, the CrCF, the Duai Jai Group, and the Network for Patani Human Rights, under the support of the United Nations Fund for Victims of Torture, have collected data on torture cases, assisted victims of torture to alleviate pain from both physical and mental damage, and are working to provide rehabilitation and support for them to return to a normal life. Additionally, these organizations have provided legal assistance to those victims to access the justice system and receive remedies from the state. The group also makes recommendations to the authorities and government agencies for effective implementation of laws, policies, and practices to prevent and eradicate torture and cruel, inhuman or degrading treatment and punishment, which is still pervasive in the southern border provinces.

## **2. Definition**

### 2.1 “Torture”

Article 1 (1) of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984* (hereafter “CAT”), which Thailand has ratified on 1st November 2007, defines “torture” as

*“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:*

*(1) Obtaining from him or a third person information or a confession;*

*(2) Punishing him for an act he or a third person has committed or is suspected of having committed;*

*(3) Or intimidating or coercing him or a third person; or*

*(4) Any reason based on discrimination of any kind*

*when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”*

Under the CAT Article 4 (1) Each State Party, including Thailand shall ensure that all acts of torture are offences under its criminal law. Nevertheless, Thailand has not enacted the necessary laws to ensure that. In fact, Thailand had ratified the Convention with a declaration and reservation for the definition of “torture” such that an act of torture shall accordingly be punishable in conformity with the current Thai Penal Code. For the case of Thailand, it will eventually withdraw the reservation by revising or amending its domestic law to include all acts of torture as offenses in the law, such that domestic law is in consonance with the Convention Against Torture. The Law Reform Council, the Department of Rights and Liberties Protection, and the Ministry of Justice are working on the revision.

## 2.2 “Cruel, inhuman or degrading treatment or punishment”

The CAT did not stipulate a definition of “cruel, inhuman or degrading treatment or punishment” because this form of human rights violation is socially and culturally specific to each country. Thus, outlining a definition would be very restrictive and possibly undermine the goal of prevention of human rights violations. The Convention also did not stipulate that “cruel, inhuman or degrading treatment or punishment” must be criminal offences. Even if some state parties to the Convention do not stipulate acts of cruel, inhuman or degrading treatment or punishment as criminal offenses, under Article 16 of the Convention, the state party is accountable to obligations under the Convention when a violation occurs.

Thailand has not stipulated “cruel, inhuman or degrading treatment or punishment” as being criminal offences, but when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity, the person(s) responsible for such act may still have both criminal and administrative or disciplinary liabilities, as the case may be.

## 3. Situation of cruel, inhuman or degrading treatment or punishment in the southern border provinces

The CrCF, Duai Jai Group, and the Network for Patani Human Rights have received complaints from relatives, victims of torture and related parties through fact-finding fieldwork and data gatherings. They used the “Assessment of Torture Impacts for Physician’s Analysis” designed by Physicians for Human Rights (PHR) and the American Bar Association Rule of Law Initiative (ABAROLI). The assessment uses the Istanbul Protocol to frame question and documentation of impacts from torture. The Istanbul Protocol (Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) is a manual to effectively investigate and document torture, cruel, inhumane degrading treatment and punishment cases. It was written by a collaboration of forensic scientists, physicians, psychiatrists, human rights special rapporteurs and legal experts globally to establish an effective standard to document and collect data and evidences from torture cases, to be a guideline to provide integrative victim assistance, and to present evidence from physical and mental injuries to courts in a systematic and effective manner. Forensic science and forensic psychiatry are among other tools and mechanisms to support an effective administration of justice to survivors. They enable victims to receive legal protection and remedies and with the cooperation of authorities in the justice process. Forensic psychiatry is considered to be “new knowledge” in Thai society and has recently been used with victims of actions of both insurgents and government officials.

3.1 Based on preliminary information from initial data collection conducted in 2014-2015 and a preliminary examination of victims of torture and cruel, inhuman or degrading treatment (hereinafter referred to as “tortured victims”), there were 54 cases of complainants received from victims of torture between 2004 to the present. The number of victims disaggregated by year is as follows:

**About the victims of torture:**

A data processing from complaints and primary investigations by the CrCF and network organizations revealed the following information about victims of torture as well as cruel, inhumane and degrading treatment or punishment:

**Incident period of torture allegation**

The report compiled from the interviews of 54 victims of torture while being held in custody of security officers during 2015 (15 persons), 2014 (17 persons) and during the unrest from 2004-2013 (22 persons), altogether 54 persons.

**Age**

All victims of torture (100%) are ethnic Malay and are Muslim. The majority of victims were between 29-38 years old (28 person), and accounted for 51.85%. The second largest group of victims was between 19-28 years old (21 person), and accounted for 38.89%.

Age group (years)	Number (person)	Percentage
19-28	21	38.89
29-38	28	51.85
39-48	5	9.26
Total	54	100

**Place of Residence**

The victims mainly lived in the Pattani Province, totaling around 31 persons (57.41%).

The second main province was Narathiwat, totaling around 13 persons (24.07%)

The third main province was Yala, totaling around 10 victims (18.52%).

Province	Number (person)	Percentage
Pattani	31	57.41
Yala	10	18.52
Narathiwat	13	24.07
Total	54	100

**Ethnicity**

The complaints of torture all came from Muslim victims who were ethnic Malay. This is example of historical repercussions of the Kingdom of Siam vs. Pattani State wars. The Siamese kingdom took Pattani as a colony and later annexed it as a part of Siam State in the era of King Rama V. Governance with lack of knowledge and tolerant understanding of the religion in this area led to the growth of many resistance movements, which demanded an independent Pattani state. Thus, historically the people allegedly accused of perpetrating violence are Malay - Muslims.

### **3.2 Character of torture**

#### **(1) Torture is conducted systematically**

Acts of torture in southern border provinces are systematic. This refers to acts of widespread, intended and regular torture. From our data collection, it is found that complaints of torture in southern border province have been regularly received since 2004 and such complaints are concentrated in the same place. Torture is aimed at obtaining information or a confession from victims by state authorities, composed both of the police and the military. In spite of complaints, grievances and campaigns against torture by victims, relatives, local and international organizations, the state has not taken any significant action to prevent and address torture. Additionally, there is no punitive action taken against the officers involved.

#### **(2) Conditions that allow torture**

Locations that contribute to the use of torture include the particular place of detention, during the transportation period to and from detention centers, the interrogation and/or detention facilities. Torture also occurred and continues to occur during a surround and cordon operations, searches and arrests.

##### **(2.1) During an arrest**

During an arrest, physical assaults can occur as indicated by collected photos of injuries during arrests. Authorities have claimed that traces of injury or the use of force are result of skirmishes or because a suspect has resisted an arrest. However, records indicated that even after the persons had already submitted themselves to officials, they were subjected to physical assaults. Assaults included threats, physical assaults, and mock executions. The following are excerpts from interviews that have been conducted with victims of torture.

#### **DJ.04.2014**

The interviewee is a male, 30 years old. The incident occurred on 30 November 2013. Selatan ranger unit brought 13 truckloads of men whereby about 50-60 people came to surround the cordon, and arrested six young people. Then they went and searched every house in the neighborhood. They came to search the place where I was living. At that time I was cooking dinner with 5 friends and the landlord. Officers also arrested myself and a friend who wasn't a local. They searched the house and arrested me. They used a white cable plastic tie to restrain my wrists behind my back. Four-five officials stomped on my back and ribs many times and then dragged me outside the house (before this I had already surrendered by raising both hands). When I was outside the house, they told me to stretch my legs and officials stood on my legs and calves while I was lying face down. I was beaten on the head several times. Afterwards, the officials found a gun in the house. It belonged to a friend. The officials questioned me and smacked my head, then the officials took me into the house alone. Approximately 13 officials jointly kicked me and asked where the guns were. I said I did not know and there was no gun. The officials threatened to shoot me if I did not give out information on the guns, I replied that if I have any guns, shoot me. The officials smacked, hit, and slapped me on my back torso many times until I was so numb and I was drifting in and out of consciousness.

#### **DJ.05.2014**

The interviewee is 34 years old, male who was detained in 2013. His arrest happened approximately at midnight. The Selatan Unit came to my home and workplace in the village. They woke homeowners up and ordered them to walk downstairs. I was separated from other residents. The officials called my name and asked if I was there, I said yes. Then I was handcuffed and escorted back to the car. They asked where the gun was. I said I do not have any guns. The Selatan

officials who were wearing combat boots kicked me and then took photos to check if I was wounded. They kicked, questioned and stomped on my wrist then poked the barrel of a gun in my mouth 3-4 times. I felt extremely pained and exhausted that my body went numb. One of them took their boots off and rubbed a foot on my face once. I was on the outside of a car for about two hours. Then, I was taken to a car and handcuffed with a plastic handcuff.

#### **DJ.07.2014**

The interviewee is a male, 29 year old. "On 13th February 2014, at 22.30 hour, I was at a teashop in the center of a village, about 5 minutes later, the military and police forces surrounded the mosque which was empty. The official fired some shots at the teashop, so I ran away and they chased after me. When officers caught me, they dragged me on the concrete path into the mosque. Officials prevented me from wearing my sarong. Officials pushed me to lay my face down on the ground with my hands tied with a piece of white rope and a handcuff. Then I was beaten, punched, kicked and smashed at the back of the head, shoulders, and torso by the officials. I was later escorted to the house wearing just a shirt. They searched my house and only during the search was I allowed to wear a sarong."

#### **H.05.2014**

The interviewee is 29 years old, male. "On April 10, 2557 after the prayers and before I would go to tap rubber, I was lying and watching TV in the house. Then a joint three-agency force, all armed, from military, police and administrative officials surrounded my village. Suddenly, the officials grabbed me by force. I fell over in mud in a waterway. My limbs went weak because of fear. Then four officials stomped my back, neck and head. Then they dragged me up a dirt hill behind my house. All four officials smelled of strong alcohol and appeared obviously intoxicated. They started kicking my body. An elder relative living next door to me tried to tell them not to hurt me but was chased back into the house. They dragged me deeper into the back of the house and the same four officials kicked my torso and head many times. The authorities then pushed me down and stomped me vigorously several times, meanwhile they used their hands to suffocate my throats on and off until I was almost out of breathe twice in a row. I was tired and exhausted, obviously, but they still kicked me. The officials used the plastic cable straps to handcuff my arms to the back and pushed me down and pushed their feet on my torso for a long time. Then they shoved a muzzle M16 rifle into my mouth and banged so hard that the lower teeth were broken. The muzzle was pushed hard that my uvula and throat had an inflammation, so that I could not swallow my saliva because it was very painful."

#### **H.06.2015**

The interviewee is 44 years old and a male. "On 13 May 2015 at 18:00 hour, military officials, police officials and three joint operation forces of more than 100 persons surrounded my house. At that time, I was leaving the house to pray at Makrib prayer time. Officials stopped me from entering my house, where my wife and two children were. The son was 17 and was slapped, and the daughter was 15 years old. There were two other guests, one of them was killed, and the other was arrested. The official surrounded the house and arrested one person. They was a clash between the authorities and the people in the house at that time. One person died and the other was arrested. I was also arrested. While the situation was still unclear, officials dragged my son out of the house. (While he was in the house) and the officers slapped and kicked his head several times. I saw everything that happened to my son. While I was in a car with another friend we were beaten, kicked in the face, slapped on the head several times. They threatened to kill me. I was hurt and very upset by this harsh treatment."

#### **(2.2) While being transported in a vehicle**

After an arrest, officials take arrestees to facilities designated for detention or interrogation. There can be a transfer or transportation to other places to identify a crime scene. When a detainee is being transported on a vehicle, officials can hurt a suspect by crushing the torso and head or beating with a rifle butt.

#### **DJ.02.2014**

Interviewee is 30 years old and male. "I was arrested in 2006, at about 02.00 hour, two army officials in green uniforms, two police officials and some defense volunteers and five plain-clothed officials came. A Muslim police official gave a salaam and asked whether I was there. My father said I was there and they called me out, handcuffed me behind my back. They accused me of being a Yala bombing suspect. They took me to a minivan with seven officials. They called me "bastard" and threatened me to confess. I replied that I had not known about the bomb and on that day I was not in Yala. When I denied the allegations, an official said, "so you want to see real thing?" The officials covered my head with a black plastic bags for 2-3 minutes, until I suffocated. They said, if I did not confess, I'd die." Then two officials used a three feet long stick, covered with a piece of cloth to hit me on his back and the front over ten times. I ran out of breathe from the pain inside and could not bear it anymore so I raised my hands and asked them to stop. The official said, "How can I stop? You must confess, then I will stop " and that if I did not confess, they would continue hitting and they threatened to kill my family members. I was so worried and very scared of what will happen to the family."

#### **DJ.04.2014**

The interviewee is a male and 30 years old. "I was arrested in 2013. Officials took me to a vehicle. I was lying on my side while officials surrounded me. Some officials on the top stomped my head, the other two on his side stepped on my shoulders on both sides. They forced me to confess but I refused so the official who was stomping on my head did it repeatedly until my head was bleeding. The ones in the front also did the same with combat boots. Later, the officials had not done anything more as I was severely beaten and injured and I would have more injuries (there is a photo showing the wounds after a week). They had beaten me until I confessed. When I arrived at Wat Sri Sakorn temple, the officials ordered me to confess to the crime and I complied and confessed. Then the officials took me to the Wang Phaya military camp, while I was transported, they also beat me on the chest with a pointed ring repeatedly and continuously. They also threatened to harm my family (his father, mother and his wife) to obtain a confession."

#### **DJ.15.2014**

The interviewee is a male and 27 years old. "On 19 March 2014 at 06.00 hours, truckload of 29 officials came to my house. My mother-in-law was opening the door to arrange goods for sale in front of the house. A volunteer defense official asked for names of people in my house, then they took me from the house to an Isuzu pick-up truck, which belonged to an official. I was handcuffed with metal handcuffs with my wrists placed in the back. Police officials asked if I know four persons. I said I did not know some of them and there was someone I knew. They searched my house for a period of time but they did not find anything. They dragged me behind a car, then they kicked my eye and my lips two to three times and my chest seven to eight times. When my lips were bleeding, an official said stop. There were other officials watching. I was threatened with guns. At 07.00 hr, I was taken to a car and was driven around a crowded bazaar. The officials stopped the car to have people there see me. They drove to a location where a ranger was shot, then the police said to me, "Run away, if you can escape, you will survive. I will count one to ten." I thought why did I have to run. I did not commit a crime. I was silent. The officials were angry at me. One of them pressed a rifle very hard on my hip. I was in pain and the area was swelling. I could not walk. They asked why I did not run way. I said why should I run, I did not do anything

wrong. An official said, unfortunately you did not run, otherwise I will send you to see your [dead] father. I was very indignant and vengeful against the officials but I remained silent.”

### **(2.3) During interrogation**

Interrogations take a long time. Some persons were interrogated for over 20 days, while others for three to four days. During an interrogation, a person is subjected to many forms of torture and cruel, inhumane and degrading treatment or punishment.

#### **DJ.06.2014**

The interviewee is a male and 29 years old. “On 17 December 2013, I was taken to the Frontal Police Commanding Center. On the first night, plain-clothed officials wearing black outfits and combat boots beat me at 02.30 hr. Some of them were those who had arrested me at a dormitory. They were Buddhists and Muslims. They called me for a questioning session and took me to a shooting range in the Frontal Police Commanding Center compound. Ten officials interrogated me while I was squatting on the ground. They asked the same questions as earlier and accused me of lying. They stomped and kicked my mouth. My teeth were broken. They used a rifle butt to crush my eyes. My eyes felt painful, swollen and bruised. My sight was dim. My nose was bleeding. I lost conscious and I had pain in my eyes, mouth and chest. On the third night, I was partially conscious and was mumbling in my sleep. The officials continued to bring me from my detention room and question me again and again. During the questioning session, I was seated on a chair, while one of the officials kicked my lower legs. It was very painful. The kicking continued until the end of the questioning session. I was questioned everyday in the morning, midday, afternoon and in the evening from 20.00-23.00 hrs from 24th December 2013 to 8th January 2014. On 7th January 2014 and 8th January 2014, the officials took him to another interrogation, and threatened him with his wife. They said, “If you don't tell me, I will rape our wife and hurt you. I won't let your family live.” The official further said they had an intention to kill him if he did not give any information. The light was kept on in the detention place at the Frontal Police Command Center during all days and nights.”

#### **DJ.07.2014**

The interviewee is a male and 29 year olds. “On 13th February 2014 I was brought to the Ingkayuthaborhan Camp. I was taken to a shipping container. The first night, rangers beat me to obtain a confession. Ten officials slapped my head, kicked my abdomen, punched my back and then blindfolded me. Two rangers pushed a barrel of a gun into my mouth. I was further smacked, slapped and strangulated with a piece of electricity cord until I was choking. Then, the official loosened the cord about five times. They put a black plastic bag over my head three to four times and poured water on my head until dawn. In the morning, the officials took me for a medical examination in the military camp but a doctor did not examine me. The doctor only issued a medical examination certificate, saying I had not been beaten. I was beaten in the same manner for three days at the camp during the seven days that I had been there. They forced me to sign documents, threatened to torch my house and assault my family. I had been detained at the Ingkayuthaborhan Camp for 28 days in a freezing cold detention cell with an air conditioner from 11 am to midnight, then sent to bed without any washing for prayers. The room was very small. I was detained in the cold room and not allowed to pray for five days. Then the officials ordered me to sign the documents again, but I refused. Thus, the officials foreboded me from seeing my family and relatives. Finally, I signed the documents because I had been beaten and I was in pain all over my body. The officials threatened to harm my wife and my parents and to torch my house. They also threatened that if I did not confess, they would find a way to put me in jail.”

### **DJ.10.2014**

The interviewee was male, 30 years old. “On 13th April 2014, while I was at Ingkayuthaborihan military camp, officials crushed my shoulders and threatened me to tell all information. On the second day, I said I did not know what made the officials furious. They attacked me and slapped my face. My mouth bled. They kicked my thighs twice. They ordered me to perform sit-ups 50-100 times, squats around 200-300 times, to walk or to run barefoot on a scalding concrete road during daytime until my feet blistered from the heat on concrete. They changed the interrogation place all the time. Sometimes they used a room, at the center or under a tree. Interrogations also happened at night from 20.30 hr.-22.30 hr. I was consecutively assaulted for a week. The officials gave me muscle relaxant medication and ointment after they ordered me to do sit-ups and squats.”

### **H.02.2015**

The interviewee is a male and 29 years old. “On 14th October 2014, during an interrogation, I was punched, kicked, and slapped on my chest, abdomen and head for 15 times, while I was lying down. I had bruises, I felt numb, exhausted and I lost conscious. I was forced to sit in a chair position two to three times for two to three minutes at a time. Thus, my limbs felt exhausted and numb all the time. I was detained in a cold place for 4 hours until I felt chest pain. They pushed a barrel of a gun into my mouth once to twice for two-three minutes each time while I was sitting on a chair, thus I had a wound in my mouth and could not eat. When I was arrested, they took my clothes off and I was forced to remain naked for four hours while I was sitting and standing on a chair. The interrogation involved extracting my confession for torching a school.”

### **H.03.2015**

The interviewee is a male and 39 years old. “On 20th October 2014, officials took me under custody to the Ingkayuthaborihan military camp, Bo Thong District, Pattani Province at about 04.30 hr. They asked where I had kept two guns. I denied and said I did not know anything about the guns. When I replied that, the official crushed my chest, slapped and hit my face many times. They also kicked my shoulders violently. Everyday, officials questioned me about the lost guns. During the five days that I was here, I was slapped and hit on my face every day when I denied knowledge of the guns. Some day, military officials ordered me to be naked, detained me in a room or ordered me to perform squats until I was extremely exhausted. I was detained for 26 days. I was slapped on my face, nose, and chest. They kept me in a low temperature room for 23 days. My body was shivering and cold. They squeezed my genitals harshly for five minutes. They told me I was stupid. They also threatened to kill me.”

### **H.05.2015**

The interviewee is a male and 36 years old. “On 22 March 2015, officials took me under custody and transported me to Special Force Unit 41 (Wang Phya Special Force Unit) in Yala Province. At 20.00 hr, the officials questioned and threatened me many times until dawn but I denied all accusations. Then at 22.00 hr, they beat me without any questioning. They pushed me to lie down in supine position and crushed my neck violently with their hands. After that they forced me water and turned my body around many times. At 02:30 hr in the morning I passed out. They pulled me, sat me on a chair and threatened that they would be ten times more violent if I still denied but I still denied and said I did not know anyway.”

## **(3) Circumstance of torture**

### **(3.1) Alleged perpetrators who use torture**

Suspects are often detained in a local military facility for three to seven days, then they will be transferred to a detention center under the Emergency Decree at Reconciliation Promotion Center,

Ingkayuthaborihan Camp in Pattani Province, the Peace Protection Center, the Southern Border Provinces Police Operation Center in Yala Province, the Ranger Special Force Unit 41 in the Raman District in Yala Province for a period not exceeding 30 days before they will either be released, or detained further by virtue of the criminal procedure code. Alleged perpetrators of torture, cruel, inhumane and degrading treatment or punishment are officials that surround a cordon and arrest people. They are from a joint operation force, composed of military officials, police and civilian officials. However, there were fewer complaints of torture during this process in comparison to the questioning process, which is typically conducted by military officials. There were 48 complainants whose questionings were conducted by military officials and 13 complainants that were conducted by the police at the Peace Protection Center in the Southern Police Operation Center, Yala Province.

### **H.03.2015**

The interviewee is a male, 39 years old. “On Monday, 20 October 2014 at about 00.24 hr at Thung Yang Dang District, Pattani Province, there were joint operational forces from many agencies (rangers, military privates, plain-clothed police officials) at my house. I was later taken to Special Force No. 25, Thung Yang Dang District for about an hour, and then officials escorted me to a (Thung Yang Dang District) police station to make an affidavit. An hour and a half later, the officials drove me to Ingkayuthaborihan military camp, Bo Thong District, Pattani Province at about 04.30 hr. An official interviewed my background and personal information and questioned me about two guns there were robbed at the Mayor District in Pattani Province. They asked me where I kept the guns (I denied the accusation and said I did not know anything about the guns). Thus, they started attacking me.”

#### **(3.2) When and where torture happened.**

In most cases torture occurred around the questioning session. Comparatively, there was fewer number of cases when torture occurred during the arrest and while a person is being transported from a residence to a detention facility or being transferred from one detention facility to the next one. During our data gathering, locations allegedly used for torture extensively included the Reconciliation Promotion Center, Ingkayuthaborihan military camp, Pattani Province, where most incidents occurred, and also the Ranger Special Force Unit No. 41, Raman District, Yala Province. Other special force units also have been reported at Special Force Unit No. 41, 43, 46, 47, Wat Chang Hai Temple Special Force Unit, Wat Liab temple Special Force Unit, in Saiburi District, Pattani Province, Wat Suthokawas Special Force Unit (Wat Sakkhi) temple in Laharn Sub-district, Saiburi District, Pattani Province, where special force units are located. In these facilities a person can be detained by virtue of the Martial Law up to seven days.

#### **(3.3) At-risk population**

One of the causes of this conflict has been the historical lead up to Siamese domination which entrenched ethnic and religious differences among the ethnic Malay muslims -- a majority of the population in the southern border provinces. They are distinct from the major population in Thailand. People, who are at risk of detention, and subsequently tortured, are Malay-Muslim, both children and adults. Adult males who strictly practice Islam are at the most heightened risk because there is a myth that devoted and strict adherents of Islam are also members of the Patani liberation movement. In 2015, three children under 18 years old were detained under the special laws for three days and another child was detained for seven days in a lit room both day and night. Officials also attacked children in the presence of their parents.

## **4. Torture methods**

Torture entails inflicting severe pain and under CAT definition it includes both physical and mental pain. From our data gathering, the following methods have been used to torture:

## **4.1 Psychological torture methods**

### **Blackmailing -**

Blackmailing is the easiest method of torture and it is effective when a person is detained for a long period of time. Blackmailing puts pressure on the person who is being interrogated to give answers, admissions or information that an interrogator wants. Officials usually threaten to harm loved ones such as a father, mother, wife or a child. Examples of threats are as follows.

#### **DJ.06.2014**

The interviewee is a male and 29 years old. "If you don't talk, I will take your wife and rape her. Your family will not live". The interviewee was crying as he related the ordeal because he was in anguish, and fearful of the threats made by the officials. The interviewee feared that he would be killed if he did not give them the information.

#### **DJ.15.2015**

The interviewee is a male and 29 years old. "Officials threatened that I would be severely beaten. They interrogated me and wanted me to confess. They said that if I did not cooperate and give them what they wanted, my wife and my family would be in trouble. At that time my wife was pregnant, so I was very worried about her and I confessed."

Detainees are mostly Muslims, thus having a dog coming near them is a threat.

### **Uses of fear, such as mock execution -**

Mock execution is a torture method that induces fear. There are many forms of a mock execution, including pointing a gun at one's head or firing a gun near a victim; assaulting other persons before a victim; making a victim hear noises from assaulting someone the victim is closely related to; and covering a victim's head with a black piece of plastic and strangling a victim's neck. These methods make a victim feel that s/he are extremely close to death or someone is dying, which has tremendous mental impacts despite rarely leaving any physical traces behind. Mental suffering after a person had been exposed to a mock execution includes anxiety, depression and stress. Symptoms of anxiety are fear, weeping, loss of ability to control one's movement and pleading for one's life.

#### **DJ.03.2014**

The interviewee is a male, 33 years old. "On 30 March 2007, the official brought me from the room at nightfall and ordered me to wear a military uniform and escorted me downstairs. When I reached the ground floor, my hands were cuffed at the back (he mentioned that was weeping because he was terrified by the actions of the officials). Then I was blindfolded and taken to a vehicle. An official said that they will take me to see Allah, no one can help me and my life depended on the officials. I did not know the direction I was taken. Then I was ordered to get off the vehicle, an official asked if I would like to leave a message for my family (while I was still dizzy). I said I give up and I will comply with anything as long as the officials spare their life. I felt an official pressing my head against a cement table, then put a gun to my head. Later I heard gunshots and then the officials laughed. At that time, I could only think about Allah."

#### **DJ.15.2014**

The interviewee is a male, 27 years old. “On 10th April 2014, officials pressed the barrel of a gun on my back and took me into a vehicle. They drove me around a crowded bazaar and parked a vehicle for people to look at me. They drove to a location where a ranger was shot and parked there. The police told me to run away, if I could make it, I would survive. The police would count one to ten. An official pressed the barrel of a rifle very hard at my hip. It was painful and swollen. I could not walk. Officials had dogs howling in front of my detention room every night.”

#### **H.05.2014**

The interviewee is a male, 29 years old. “On 10th April 2014, an official pushed a barrel of an M16 into my mouth very hard that my lower molar teeth broke. He pushed so deep beyond my uvula. I had a throat inflammation and I could not swallow saliva because it was very painful.”

#### **Prolonged interrogation –**

Our documentation indicated that interrogation happened in non-specific and varying times. An interrogation session takes at least two hours. Sometimes it happens in the morning from 9:00-12 :00 hr and in the afternoon, depending on whether a victim has a visit from his relatives or not. Then an evening interrogation session begins from around 20:00 hr until dawn for some victims.

#### **H.07.2015**

The interviewee is a male, 29 years old. “On 17<sup>th</sup> March 2015, I was interviewed for my personal history, then they questioned me, conducted a physical examination and tested my DNA until midnight. (I could not sleep since the first day I was arrested.) At about 13.00 hr, they started interrogating me if I was an insurgent supporter, if I had collected any weapons, and about my elder brother (because he had a pending case). During the first seven days I was forced to stand for a long period of time from 23:00 hr to 07:00 hr.”

#### **DJ.13.2015**

The interviewee is a male, 26 years old. “On 21<sup>st</sup> November 2013, officials knocked on my door, ordered me to open the door, to turn a light on then ordered me to leave at 02.00 hr. They set me to lay face down on the ground. On the second day of my detention, officials called me for an interrogation at 9.00 hr. I arrived and I was beaten, hit and smacked until noon. I had lunch and prayed. Then at 13.00 hr, I was called for another interrogation until 17.00 hr. I was ordered to spread my arms until they burned. Then I ate and prayed. On the third and fourth day I was not beaten very much. I was threatened that I would be attacked if I did not talk. The used impolite words such as you bastard, call Allah to help you, until the end of my seven days.”

#### **DJ.11.2015**

The interviewee is a male, 26 years old. “On 27 February 2015, at about 19.00 hr, an official called me and interrogation officials led me to a commander’s residence. I was kicked on my torso. They took me back to my room when it was almost dawn. About four to five officials who appeared to be intoxicated brought a bottle of water in front of me, seated me on a chair, handcuffed my wrists to the back and covered me to my knees with sacks of ice. They turned a fan on, then they covered my face with a shirt and forced fed me that water, which tasted weird. I did not know what kind of water it was. They pushed me to lie on my stomach and crushed my chest and my genitals under their feet.”

Mental torture is capable of damaging the nervous system and one's personality. Other methods found in interrogations are not mental torture, but with a prolonged application of these methods, it actually causes even more severe harm than mental torture. Thus, those special methods can turn a threat into an act of cruel and inhumane treatment.

### **Sleep Deprivation –**

Sleep disruption and deprivation is a form of torture because they attack the deep biological functions at the core of a person's mental and physical health. Despite being less violent in the literal sense, prolonged sleep deprivation is capable of producing very severe effects. The body can naturally adjust its sleep cycle with some flexibility. Therefore, people can go 24 or more hours without sleep in the right circumstances, without any harm. The body can adjust the next sleep to revitalization so in the next time they can sleep normally. However, if a person is deprived of sleep for longer than 24 hours, several mental and physical problems begin to develop. The first signs of sleep deprivation are unpleasant feelings, fatigue, irritability, and concentration problems. Then a person will have trouble reading and speaking clearly, poor judgment, lower body temperature, and a significant increase in appetite. If the sleep deprivation continues, the worsening effects include disorientation, visual misperceptions, apathy, severe lethargy, and social withdrawal.<sup>1</sup>

### **DJ.06.2014**

The interviewee is male, 29 years old. "On 17th December 2013, I was arrested by officials at 17.00 hr. I was hand cuffed and the officials asked if I had planted or made a bomb. I replied that I did not do it. They said I lied and kicked my knees, so that I fell down on them. An interrogation happened in the room for an hour from 5 pm to 6 pm. I regained conscious at Wang Phaya 41<sup>st</sup> Ranger Unit, Raman District, Yala Province at 20.00 hr. Officials called me out at 21.00 hr for interrogation. Ranger interrogators slapped me violently. It was very painful. I was later transferred from Wang Phaya 41<sup>st</sup> Ranger Unit Raman District, Yala Province to the Frontal Police Operation Center, then to 32<sup>nd</sup> Task-Force for a night and then back to the Frontal Police Command Center. On the first night, plain-clothed officials wearing black outfits and combat boots beat me at 02.30 hr. On the second night, I suffered epilepsy and was taken to Yala, where the hospital gave me two epilepsy medicine tablets and I was taken back to rest at the Frontal Police Command Center. On the third night, I was partially conscious and was mumbling in my sleep. The officials continued to bring me to a detention room and question me again and again. During the questioning session, I was seated on a chair, while one of the officials kicked my lower legs. It was very painful. The kicking continued until the end of the questioning session. I was questioned everyday in the morning, midday, afternoon and in the evening from 20.00-23.00 hr for 21 days. The detention at the Frontal Police Command Center leaves the light on all days and nights."

### **DJ.09.2014**

The interviewee is a male, 32 years old. "On 7<sup>th</sup> February 2012 at about 13.00 hr, officials arrived. By 15.00 hr, they pointed guns at me. I saw laser pointing dots on my body and chest. The officials received intelligence that I carried a pistol, a .357 rifle and an M 16 rifle. At 16.00 hr, they took my wife's family, so my father and mother in law, a friend from Malaysia, my wife and my brother in law to stand by at Special Force No. 16 Unit. All of them were taken to Tan Toe District Police Station. My father in law, my sister and bother in law were questioned by officials. Officials began an interrogation at 15.00-19.30 hr. They denied my request to pray and slapped my face with their palms, knocked my head and flicked my ears for more than ten times. My body was exhausted and weak. Then the officials said that if you confess easily, there would not be a case against you. You would be spared in a witness program. If you did not confess, people in your family would not

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<sup>1</sup> <https://www.psychologytoday.com/blog/dreaming-in-the-digital-age/201412/why-sleep-deprivation-is-torture>

leave here. They also said, “You will surely die,” if I did not follow their order. They pushed a barrel of a pistol on my head and slapped my two to three times. From 17.30-03.00 hr, an official held me at a gunpoint by my head. They said if you confess, I will give you 5,000 Baht (138 USD). They ordered my to leave for my room with officials escorting me and one of them told me again, “You will surely die,” as he gestured a gun with his hand in my direction. I laid down and allowed to rest for five minutes before they escorted me to my wife’s house. I left her house at 05.30 hr and rested at Special Force Unit No. 16. They gave me a meal and took me back to Special Force Unit No. 41. I was interrogated all day during my seven day detention in the morning, afternoon and middle of the night. ”

#### **DJ.15.2014**

The interviewee is a male, 27 years old. “On 19 March 2014, I was a suspect and was arrested at 06.00 hr in the morning. They transported me to Special Force Unit No 47, at 09.00 hr. An interrogation began at 13.00 hr. and I slept at 22.00. hr. The second day I was interrogated from 08.00 -13.00h r. Every night at the detention room, there were disturbing noises all night long. I heard a sound of a stick scrapping against the wall, dogs howling in the front of my room and the light was on all night. I was at the Special Force Unit No. 47 for six days.”

#### **Solitary Confinement –**

Under the special laws, every detention facility has a solitary confinement cell, the size of 2x 3 sq meters and an open toilet with only a wall in the same place with the sleeping area. The light is on day and night. Under the special laws, a person can be detained without any charge for 35 days.

#### **Sensory Deprivation –**

Sensory deprivation (Sendep) is the deliberate reduction or removal of stimuli from one or more of the senses. Simple devices such as blindfolds can cut off sight. Short-term sensory deprivation can be relaxing and conducive to meditation; however, extended and forced sensory deprivation can result in extreme anxiety, hallucinations, bizarre thoughts, and depression. Common methods include the use of a plastic bag to cover the head, a scarf to blindfold a person while s/he is being transported to other places or a hard slap of the palm to one or both ears, can result in either temporary or permanent hearing loss.

#### **H.08.2015**

The interviewee is a male, 24 years old. “On 24 July 2015, during 21.00 – 23.00 hr, officials interrogated me. I denied every charge, as I did not do the things they accused me of. When I denied, an official slapped my ears. I had tinnitus and massive pain.”

#### **DJ.11.2015**

The interviewee is a male, 29 years old. “On 27 February 2015, military officials kicked my ribs, punched my face, kicked my chest and seated me on a chair. Then they handcuffed my wrists to the back, covered my face with a shirt and force-fed me water. They also turned on a fan to make it cooler. They took off my shirt from my head and covered my head with plastic bag until I passed out. When I regained my conscious at about 14.00 hr, the officials ordered me to stand under the sun without wearing shoes. I was told to lift my arms and stand on one leg. The officials twisted my arms. It was painful. I had stood for two to three hours. Then interrogation officials took me back for a session. They attacked me, kicked my torso, slapped my face and blindfolded me with a scarf. About four to five officials who appeared to be intoxicated brought a bottle of water in front of me, seated me on a chair, handcuffed my wrist to the back and covered me to my knees with two sacks of ice. They turned a fan on, then they covered my face with a shirt and poured weird tasting water on my mouth. I did not know what kind of water it was. They pushed me to lay on my

stomach and crushed my chest and my genital under their feet.” (This case is also report in the section of water cure)

#### **4.2 Physical torture methods**

Physical torture methods either leave or do not leave a visible trace. Most common forms of torture are as follows.

##### **Beatings and physical violence –**

Among 54 victims, most of them had been beaten and subjected to physical violence by hands, feet wearing combat boots, handles of a gun, a log wrapped with a piece of cloth. The majority of victims suffered physical pain and met a physician in a hospital in a military camp but the causes of injuries or physical traces on victims’ bodies had not been recorded.

##### **DJ.07.2015**

The interviewee is a male, 28 years old. “On 11 January 2015, I walked out on a road, then an official kicked me heavily. I lost my balance and fell. They kicked me and slapped my head, then tossed me inside a vehicle. An official pressed his foot on my cuffed wrists and said you die. Officials crushed my back. If I moved, they increased the pressure. They threaten that I will die. I was seated and handcuffed on a chair. Officials kicked the chair until the chair and I fell down. They punched me in the stomach, legs, and calves for four days. They also kicked my kneecaps, countlessly punched the abdomen, and smacked the head, and the nape several times. I was handcuffed behind the back. After I had been beaten many days, I was vomiting blood, and had blood in my urine and stool. My chest was bruised, red and swollen. Officials took me to a hospital. When I prepared to show wounds, officials then ordered me to leave. A doctor administered one injection and paracetamol. I passed out and lost conscious for a day. Military officials had me sign a document, and then the police did it also. I told them I wanted to read what the document was but they refused. When I did not sign it, they kicked my chest, punched my back, slapped my head down and kicked my back again several times, so I finally signed. ”

##### **H.07.2014**

The interviewee is a male, 27 years old. “On 22 December 2012, while I was in a vehicle with officials, they attacked me physically by slapping me, punching the abdomen and kicking the torso. I was exhausted and weak. The officials took me to a dormitory inside the Special Force Unit No. 47, which was confined and rectangular. A moment later, officials called me for an interrogation. There were about ten officials in the interrogation room. Two officials conducted the interrogation and the rest attacked me by kicking, slapping and punching my face and torso. I was out of breath from the attack. The interrogation went on until 20.30 hr., when they left me alone in the interrogation room until midnight. Another group of about five to seven officials came and asked the same matter and attacked me by kicking, slapping and punching my face and torso. This time they strangled me until I was suffocating. They demanded that I confess to the matter and then continued to beat and interrogate me until after 04.00 hr in the morning. Then they released me to the same place I was earlier. The next day at 09.00 hr, the officials brought me for another interrogation in the same matter until noon. Then, at 16.30 hr, the officials also brought me to another interrogation. They kicked, slapped, and punched both ears many times. I was very dizzy and had irregular vertigo, then I fell over.”

Chinese water torture is when victims are bonded while hot/cold water is poured over a body part, mostly on a forehead.

This method can exert tremendous pressure on victims because the torturers will pour water over a victim while clothed or naked. The torture will be painful when it is done in a low temperature room. This method does not leave any traces.

#### **DJ.07.2014**

The interviewee is male, 29 years old. “On 13 February 2014, during an interrogation, I was kicked, slapped, and punched on my back by ten officials. Then they blindfolded me, pointed a gun barrel in my mouth, punched, slapped and strangled me until I suffocated, then they released me for 5 times. They also used a black plastic bag to cover my head 3-4 times. They poured water over my head until the morning. I was beaten for 3 days while I was at a [military] camp for seven days. They threatened to torch my house and hurt my family members. They transferred me to Inkayuthaborihan military camp for 28 days where I was put in a freezing cold air-conditioned room from 11.00 hr in the morning to midnight.”

#### **H.07.2015**

The interviewee is a male, 29 years old. “On 17 March 2015, during the first seven days, I was forced to stand from 23:00 - 07:00 hr in the morning. I was ordered to take my shirt off and stayed in an air-conditioned room, then the officials dumped cold water over me, slapped my face four to five times. I spent seven days at Ingkayuthaborihan military camp, after the first seven days under Martial Law warrant, the detention was extended under the Emergency Decree. On the third day, at night at about 00:00 hr, officials ordered me to take a shirt off. They tied my wrist behind the back, blindfolded me and kicked me from a chair. There were about five officials, one held my head, and each one held both legs and the torso. They covered my face with a towel and dumped water on my face, squeezed my nose four to five time and forced me to lie on my stomach, dunking me into the water container. They punched my abdomen many times and kicked me. They pulled me up and removed the blindfold and the tie. Then they turned on the air-conditioner and dumped water on me. I was also kicked, punched and slapped. They covered my head with a black plastic bag. The officials tortured me for three to four days, then they interrogated and threatened me on a regular basis. I was at the Ingkayuthaborihan military camp for 28 days. ”

- **Choking/Strangling**

#### **H.07.2015**

The interviewee is a male, 29 years old. “On 17<sup>th</sup> March 2015, they covered my face with a towel and dumped water on my face, squeezed my nose four to five time and forced my to lay on my stomach, dunking me on the water container. They punched my abdomen many times and kicked me. They pulled me up and removed the blindfold and the tie. Then they turned on the air-conditioner and dumped water on me. I was also kicked, punched and slapped. They covered my head with a black plastic bag. The officials tortured me for three to four days, then they interrogated and threatened me on a regular basis. I was at the Ingkayuthaborihan military camp for 28 days. ”

#### **DJ.11.2015**

The interviewee is a male, 26 years old “On 19<sup>th</sup> August 2015, many rangers questioned and attacked me. A ranger asked me then I was attacked before I could answer him. Then the next one asked the next question, I had not answered and the other rangers kicked my torso, punched my

face, kneed my abdomen, strangled me and slapped my face. They did the same for three consecutive days. At night, they attacked me by kicking the torso, punching the face, crushing the chest and my body while I was laying on the floor. a cloth-wrapped log to hit my chest, strangled my neck. I did not know how many times they did it. I felt I could not tolerate it anymore.”

□ **Crushing**

Crushing occurs during an arrest, transportations, interrogations and questioning sessions. Officials often wear combat boots while crushing, thus, the pain can even be more aggravated. Some victims reported that they were crushed on the head, the back or the genital area.

**DJ.04.2014**

The interviewee is a male, 30 years old. “On 30 November 2013, Officials tied my wrists on the back with a white strap. Four to five officials beat me by crushing my back and ribs many times. While I was outside of a house, officials ordered me to stretch my legs straight and they while officials stood on his legs and calves, while I was laying face down on the ground. They beaten and punched my back and head several times and they also slapped me. Then they took me to a vehicle, where there were three officials on the back of the vehicle. I was laying on my side, while three officials surrounding me. The one on the top crushed my head, the other two stood and crushed my shoulders. They ordered me to confess. The one crushing my head did it repeatedly until my head was bleeding. The one in the front crushed me with combat boots.”

**H.08.2014**

The interviewee is a male, 28 years old. “Late September 2010, in the Ramadan or the fasting month, while I was napping in a relative’s house in Saiburi District, joint operation forces, composing of the military, police and administrative officials arrived in more than seven trucks. At the time, I was alone in the house so I answered the door. The officials grabbed me and handcuffed my wrists behind the back. They ordered me to lead an official who escorted me at gunpoint behind the house. Other five officials walked after me. They have a shield on one hand and a ready to fire rifle on the other. They directed me to a rubber plantation at the back of the house and ordered me to kneel. Then ten officials surrounded me in a circle and pointed their rifles at me. I was terrified that they would killed me. Then two to three officials jointly kicked me on the abdomen and the back, while cursing me non-stop. Some officials punched me with a fist on the abdomen and the back. The cursed me as southern insurgent. An official pushed and pinned me to the ground and crushed my head three times with his feet.”

**DJ.11.2015**

The interviewee is a male, 26 years old “On 27th February 2015 about four to five officials pushed me to lay on my stomach and crushed my chest and my genital under their feet. When I could not bear it any longer, I said I would confess. It was about 03.00 hr in the morning. The brought me some coffee and escorted me to my room. I could not walk and stumbled and could not breathe, so the officials massage my chest and took me for a medical examination at Ingkayuthaborihan military hospital. I told a doctor at the hospital I was tortured and there were wounds. However, I was not certain if the military doctor would record that I was tortured”

## **Drowning, Dunking and Waterboarding**

Waterboarding is a form of torture in which water is poured over a cloth covering the face and breathing passages of an immobilized victim, causing the individual to experience the sensation of drowning. Waterboarding can cause extreme pain similar to drowning, damage to lungs, and may cause brain damage from oxygen deprivation. Other physical injuries included broken bones due to struggling against restraints. Waterboarding can cause lasting psychological damage, and death. Negative physical consequences can manifest themselves within a month after the event, while psychological effects can last for over a year.

In the most common method of waterboarding, the victim's face is covered with cloth or some other thin material, and the victim is immobilized on their back at an incline of 10 to 20 degrees. Torturers pour water onto the face over the breathing passages, causing an almost immediate gag reflex and creating a drowning sensation for the victims. Vomitus travels up the esophagus, which may then be inhaled. Victims of waterboarding are at extreme risk of sudden death due to the aspiration of vomitus.

### **H.03.2014**

The interviewee is a male, 35 years old. "On 29<sup>th</sup> February 2007, during an interrogation session, another official attacked me such as kicking, punching, slapping, threatening me with guns and that he would kill me if I did not confess. The seven officials interrogated and attacked me until 18.30 hr. While they were questioning me, they also attacked me by kicking, slapping and punching. Three out of seven officials took me to a fish pond in the Special Force Compound, then they dunked me in the pond. My head was submerged in the water. The water got into my nose and ears. They did repeatedly. I was exhausted and weak. Then they interrogated while kept attacking me. I denied every charge. I was interrogated until 4.00 hr in the morning then they released me to rest in my tent."

### **DJ.03.2014**

The interviewee is a male, 33 years old. "On 30th March 2007 three officials took me to an interrogation center. They kicked my chest for a confession. I had waited in a cold room so I slept. Then officials came and banged a table, so I got up. They kicked my chest until the chair and I fell over. They continued kicking the torso and ordered me to strip naked. The other group of officials forced me to sign a document with parentheses for my signature but I refused because I thought it was weird. Then the official became angry. They used a rubber hammer to hit various joints on my torso, submerged my head in a drinking water cooler, put a wet garbage bag over me, forced me to crawl naked and cry like an ox, hit a rubber bands on my genital, slapped my ears until I had a tinnitus."

### **H.07.2015**

The interviewee is a male, 29 years old. “On 17<sup>th</sup> March 2015, they ordered me to take off my shirt and confined me in an air-conditioned room, then the officials dumped cold water over me, slapped my face four to five times. I spent seven days at Ingkayuthaborihan military camp, after the first seven days under Martial Law warrant, the detention was extended under the Emergency Decree. On the third day, at night about 00:00 hr, officials ordered me to take my shirt off. They tied my wrist behind the back, blindfolded me and kicked me from a chair. There were about five officials, one held my head, and each one held both legs and the torso. They covered my face with a towel and dumped water on my face, squeezed my nose four to five time and forced me to lay on my stomach, dunking me on the water container. They punched my abdomen many times and kicked me. They pulled me up and removed the blindfold and the tie. Then they turned on the air-conditioner and dumped water on me. I was also kicked, punched and slapped. They covered my head with a black plastic bag. The officials tortured me for three to four days, then they interrogated and threatened me on a regular basis. I was at the Ingkayuthaborihan military camp for 28 days. ”

#### **DJ.07.2014**

The interviewee is a male, 29 years old. “On 13 February 2014, they also used a black plastic bag to cover my head 3-4 times. They poured water over my head until the morning. I was beaten for 3 days while I was at a [military] camp for seven days. They threatened to torch my house and hurt my family members. They transferred me to Inkayuthaborihan military camp for 28 days where I was put in a freezing cold air-conditioned room from 11.00 hr in the morning to midnight. The officials did not give me water to wash before prayers. I was detained in a small cell and they put me in a cold room for five days.”

#### **H.07.2015**

The interviewee is a male, 29 years old. “Officials interviewed my personal background, conducted a physical examination, collect the DNA until midnight. On the third day, at night about 00:00 hr, officials ordered me to take a shirt off. They tied my wrist behind the back, blindfolded me and kicked me down from a chair. There were about five officials, one held my head, and each one held both legs and the torso. They covered my face with a towel and dumped water on my face, squeezed my nose four to five times and forced me to lay on my stomach, dunking me on the water container. They punched my abdomen many times and kicked me. They pulled me up and removed the blindfold and the tie. Then they turned on the air-conditioner and dumped water on me. I was also kicked, punched and slapped. They covered my head with a black plastic bag. The officials tortured me for three to four days, then they interrogated and threatened me on a regular basis. I was at the Ingkayuthaborihan military camp for 28 days. ”

#### **Temperature extreme**

Exposures to extremes temperatures, by switching a victim to an extremely hot to an extremely cold room, have been used as a form of torture in Brazil for many years. In Vietnam, logistic containers left by the American forces have been used to torture people under an extremely hot tropical

climate. The same techniques are used in Guantanamo interrogations. Exposure to heat or cold can result in harmful physical and psychological consequences. Exposure to heat for extended periods can result in dehydration, in confusion, lethargy, loss of consciousness. Individuals actually exposed too long to extremes of heat can result in hyperthermia, where the core body temperature can go up and this can be potentially fatal. Exposure to extremes of cold can result in harmful physical and mental consequences. Such as hypothermia, being uncomfortable, a decrease in the body's core temperature, which can result in arrhythmias, irregular heartbeats or even potentially death. People who were exposed to extremes of heat or exposed or cold are reminded of the experiences months or even years later when they think about it, they have terrifying memories. Thus, the impact of exposures to heat and cold is both physical and psychological.<sup>2</sup>

#### **DJ.12.2014**

The interviewee is male, 30 years old. “On 26<sup>th</sup> December 2013, I was dragged to a dimly lit area and kicked by combat boots up to five times. They escorted and monitored me even when I went to toilet. They did not allow me to change my sarong, which I was wearing since the first day to the seventh day and did not allow me to do daily prayers. They all punched, smacked the head and nape, till I felt like I wanted to retaliate. They used plastic cable ties to bind my wrist at the back and seated me on a chair. I was kicked down from the chair. They did not let me shower and even made me lay face down under the sun from 10.00- 14.00 hr. I was attacked in the same manner from early in the evening till dawn every day for seven days. “

#### **H.10.2014**

The interviewee is a male, 27 years old. “On 19<sup>th</sup> August 2013, officials called me to an interrogation and escorted me to an interrogation room. The temperature there was very low, the authorities made me very near freezing. They were asking the same matters and pressured me to confess. Officials spent nearly four hours in that room. I had a pain from my previous wound on the spinals. Three officials had questioned me three consecutive nights at the same time and with the same use of air-conditioner”

#### **H.12.2014**

The interviewee is a male, 41 years old. “In 2007, officials interrogated me from 21.00 – 05.00 hr. There were three officials, taking turn to question me in a session. Interrogations were conducted in extremely low temperature, with an order to strip, to be naked and to stand on one leg. The officials used psychologically degrading terms and insulted my religion. They poked my chest and gestured that they would throw an ash tray to my face. The interrogations lasted for seven days. ”

(This case is also reported under other method of torture/ill treatment 1) temperature extreme, 2) second case under sexual assault and 3) again second case under stress positions)

#### **H.03.2015**

The interviewee is a male 39 years old. “On October 2014, while I was detained at Ingkayuthaborihan military camp, I was assaulted in various forms. Someday, military officials ordered me to be naked, detained me in a room or ordered me to perform squats until I was extremely exhausted. I was detained for 26 days. I was slapped on my face, nose, and chest. They kept me in a low temperature room for 23 days. My body was shivering and cold. They stripped and forced me to remain naked. They squeezed my genital harshly for five minutes. They told me I was

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<sup>2</sup> [http://nsarchive.gwu.edu/torturingdemocracy/interviews/allen\\_keller.html](http://nsarchive.gwu.edu/torturingdemocracy/interviews/allen_keller.html)

stupid and I was duped. They also threatened to kill me.” (This case is also reported under sexual assault)

### **Flagellation**

Flagellation occurs when a victim is arrested, transported and questioned by parts of firearms or a log covered with clothe to prevent any trace after flagellation. Victims were hit from the head, torso to both legs. The majority victims in this survey experience forms of flagellation.

#### **DJ.02.2014**

The interviewee is 30 years old male. “I was transferred to a prison, a prison official checked my case so they knew that I was indicted on treason and security charges. They took me to a place where no one was there and hit me with a baton on the back two times and the front two times. At that time, I was not wearing any shirt and only had my sarong on. I was taken to a medical room to recuperate there for about two hour. In the prison I was giving a medicine to treat my bruise. Now I has recurring chest pain and tinnitus from time to time.”

#### **DJ.11.2015**

The interviewee is a male, 26 years old. “Officials kicked my torso, punched my face, crushed my chest, ordered me to lay down and stood on me. They also used a cloth-wrapped log to hit my chest, strangled my neck. I did not know how many times they did it. I felt I could not tolerate it anymore.”

### **Foot roasting**

#### **DJ.10.2014**

The interviewee is a male, 30 years old. “On 13 April 2014, I was questioned and interrogated at midnight. Then they took me to my detention room. On the second day, I was interrogated from 20.30 hr.-22.30 hr. I was detained under the Martial Law for seven days. After that I was transferred to other part of Ingkayuthaborihan military camp during the Emergency Decree custody period. Officials crushed my shoulders and threatened me to tell all information. They attacked me and slapped my face. My mouth bled. They kicked my thighs twice. They ordered me to perform sit-ups 50-100 times, squats 200-300 times, to walk or to run barefoot on a concrete road during daytime until my feet blistered from the heat on concrete. Interrogations also happened at night from 20.30 hr.-22.30 hr. I was consecutively attacked for a week.” (This case is also reported under stress position)

### **Electric shock**

Electric shock is a method to cause electric current passing through the (human) body. It occurs when the electric current from a source of electricity contacts a part of the (human) body through the skin, muscles or hair. Very small currents can be imperceptible. Higher current passing through

the body may not be possible to cause electrical shocks to a victim. Nevertheless, larger currents can cause fibrillation of the heart and damage to tissues. Death caused by an electric shock is called electrocution. Victims of electrocution may exhibit bizarre symptoms and physical pain.

#### **DJ.07.2015**

The interviewee is a male, 28 years old. “On 11<sup>th</sup> January 2015, I was seated and handcuffed on a chair. Officials kicked the chair until the chair and I fell down. They punched in the stomach, legs, and calves for four days. They also kicked my kneecaps, countless punched the abdomen, and smacked the head and the nape several times. I was handcuffed behind the back. On the second and third day, they poked me hot iron rod once. They blindfolded me and beat me. They also threaten to shoot me, while an official showed me a pistol and pretended that he would shoot me to obtain a confession. On the fourth day I was electrocuted while being blindfolded. I felt the pain at the testicles but being blindfolded, I did not know what they were doing. They grouped, pulled, and squeezed my genital. I became frigid (my genital is still contracted). I was stripped naked in a low temperature room before female officials and a female official pressed her breasts on my face. After many beating, I had blood in the vomits, urine and bowel and my chest was bruised, red and swollen. Officials took me to a hospital where a doctor administered one injection and paracetamol. I passed out and loss conscious for a day. I confessed on the fourth day because I was electrocuted.”

#### **Force-to eat or drink**

Force eating / drinking is a rare form of ill treatment used for detainees under the special laws in the southern border provinces. There are cases of forcing victims to eat or drink forbidden food or beverages according to Islamic principle. Additionally, detainees who did not want to eat meal arranged by facilities but were forced to do so by officials, which is quite different to force-feeding on Israel or at the Guantanamo Detention facility, where a feeding catheter is inserted through the nose.

#### **DJ.02.2014**

The interviewee is 30 years old male. “On 13 September 2006, I was requested by officials to have a meal. They took me to a Thai restaurant and asked me what I had like to eat. The official handed and forced me to drink alcohol, saying, if I did not drink, the official would not know what to do with me. He said that if I did not drink I would have to go without any food. (It is forbidden for a Muslim to drink an alcoholic beverage or consume anything that contains alcohol)”

#### **DJ.07.2015**

The interviewee is a 28 years old male. “On 11 January 2015, while I was under a custody in Inkayuthaborihan camp, I was forced to smoke and eat rice.”

#### **Kneecapping**

#### **DJ.03.2014**

The interviewee is a 33 years old male. “On 30th March 2007, three officials took me to a questioning center. They kicked me on my body and chest until I fell over while I was seated on a chair. They ordered me to confess. When officials stopped beating me, they ordered me to stand up and confess that I had committed a crime. I said I did not know anything. They kept kicking me. The officials later told me that someone had implicated me in a crime. They stripped me naked. When I refused to sign a document they used a rubber hammer to hit me on various joints on my torso.”

### **Noise (see Sound entry)**

Torture with sound in the southern border provinces involves making loud noise at night when victims wanted to rest. During that time, there were people making noises, preventing victims from having adequate sleep. A prolonged detention can also cause adverse impacts to the body and the mind. Lack of a quality sleep for seven days, caused many symptoms, namely, muscle ache, poor eye sight, depression, color blindness, low concentration, lower immunity, dizziness, bags under eyes, fainting, confusion, hallucination, tremor, headache, hernia, agitation, irritability, temper tantrum, memory loss, nausea, mental disorder, slow response and permanent drowsiness.

### **DJ.15.2014**

The interviewee is a male, 27 years old. “Every night at the detention room, there were disturbing noises all night long. I heard a sound of a stick scrapping against the wall, dogs howling in the front of my room and the light was on all night. I was at the Special Force Unit No. 47 for six days. On the last night, they dragged me out to a dark meadow, punched and beat me for over ten times. My chest was extremely painful. They hit my right face with a butt of a gun and it was bleeding. They did the same on my hip.”

### **H.14.2014**

The interviewee is a male, 26 years old. “I heard noises from the next room where officials were interrogating my brother-in-law and younger brother. The younger brother heard officials attacking his brother. The younger brother heard a voice crying, “help” and shouts, sounds of kicking, slapping and punching from the next room. Officials interrogated while physically assaulting them until 04.00 hr. After that he was discharged to rest at a dormitory. At 20.30 hr, officials called for an interrogation again in the evening concerning the same matters. I denied all charge. I was detained at Ingkayuthaborihan military camp for seven nights. The officials interrogated and attacked me every night for six nights, mostly almost until 04.00 hr in the morning. I only had a free night. I was detained at the Ingkayuthaborihan camp for full seven days.”

### **Oxygen deprivation**

Mental injury from torture of the central nervous control system reduces the process of mental control in various forms. Oxygen deprivation is one method used to disrupt control over one’s mental capacity, so that a victim will follow order, become unaware and violate his/her; ethic, spiritual values, principles and wishes.

### **DJ.03.2014**

The interviewee is a male, 33 years old. “On 30 March 2015, the officials forced me to sign a document and I refused, then the official became angry. They used a rubber hammer to hit various joints on my torso, submerged my head in a drinking water cooler, put a wet garbage bag over me,

forced me to crawl naked and cry like an ox, hit a rubber bands on my genital, slapped my ears until I had a tinnitus so I signed it”

#### **DJ.05.2014**

The interviewee is a male, 34 years old. “On 30<sup>th</sup> November 2013, I was hand-cuffed. The officials kicked me, while they were wearing combat boots in the front. They kicked, questioned, then repeat and crushed on my wrist and poked a barrel of a gun in my mouth 3-4 times. I felt extremely painful and exhausted that my body was numb. One of them took their boots off and rubbed a foot on my face once. They ordered me to strip and perform 40-50 squats, then they suffocated and covered my head with a plastic bag for 4-6 times from 24.00 -01.00 hr.”

#### **DJ.07.2014**

The interviewee is male, 29 years old. “Ten officials slapped my head, kicked my abdomen, punched my back and then blindfolded me. Two rangers pushed a barrel of a gun into my mouth. I was further smashed, slapped and strangulated with a piece of electricity cord until I was choking. Then, the official loosen the cord about five times. They put a black plastic bag over my head three to four times and poured water on my head until dawn. I was beaten in the same manner for 3 days, during my seven days stay at the military camp. The officials threatened to torch my house and harm my family.

#### **DJ.07.2014**

The interviewee is a male, 29 years old. “On 13 February 2014, they used a black plastic bag to cover my head 3-4 times. They poured water over my head until the morning. I was beaten for 3 days while I was at a [military] camp for seven days. They threatened to torch my house and hurt my family members. They transferred me to Inkayuthaborihan military camp for 28 days where I was put in a freezing cold air-conditioned room from 11.00 hr in the morning to midnight. The officials did not give me water to wash before prayers. I was detained in a small cell and they put me in a cold room for five days. I refused to sign the document. The officials prevented me from seeing my family and relatives. They also threatened to attack my wife and my parent and torch the house.”

#### **DJ.11.2015**

The interviewee is a male, 26 years old. “On 27th February 2015 officials tied me to a chair, covered my face with a shirt and poured water in my mouth. They turned the fan on, took the shirt off from my head and suffocated me with plastic bags until I passed out. After I had regained my consciousness. I struggled so my handcuffs were broken. They put new handcuffs on. I could not breathe. They continued dumping the water on me till I was choking. After a moment, I told them I would talk. They ordered me to drink two bottles of water and at about 05.00 hr, I could sleep for two to three hours. ” (This case is also under sexual assault)

#### **H.07.2015**

The interviewee is a male, 29 years old. “On 17<sup>th</sup> March 2015 at night about 00:00 hr, officials ordered me to take a shirt off. They tied my wrist behind the back, blindfolded me and kicked me from the chair. There were about five officials, one held my head, and each one held both legs and the torso. They covered my face with a towel and dumped water on my face, squeezed my nose four to five time and forced me to lay on my stomach, dunking me on the water container. They punched my abdomen many times and kicked me. They pulled me up and removed the blindfold and the tie. Then they turned on the air-conditioner and dumped water on me. I was also kicked, punched and slapped. They covered my head with a black plastic bag. Then, soon came the dawn. The officials tortured me for three to four days, then they interrogated and threatened my on a regular basis. I was at the Ingkayuthaborihan military camp for 28 days”.

### **Sexual assault**

Sexual assault starts from forced nudity. A person who had not been exposed but was forced to strip naked would feel helpless and hopeless. Nudity enhances the psychological terror of every aspect of torture, because of the potential of abuse or rape. Furthermore, verbal sexual threats, abuse and mocking are also part of sexual torture, as they enhance the humiliation to victims. In many instances sexual assault is psychological as well as physical. Psychological harms can be most injurious. For men, those inflicting the torture may also cause the victim to become impotent or sterile, either actual or perceived. In the southern border provinces, sexual assaults involve nudity, attacking a genital and electric shock at the genital.

### **DJ.03.2014**

The interviewee is a male, 33 years old. “On 30 March 2015, the officials forced me to sign a document and I refused because it looked abnormal, then the official became angry. They used a rubber hammer to hit various joints on my torso, submerged my head in a drinking water cooler, put a wet garbage bag over me, forced me to crawl naked and cry like an ox, hit a rubber bands on my genital, slapped my ears until I had a tinnitus so I signed it”

### **H.12.2014**

The interviewee is a male, 41 years old. “In 2007, officials interrogated me from 21.00 – 05.00 hr. There were three officials, taking turn to question me in a session. Interrogations were conducted in extremely low temperature, with an order to strip, to be naked and to stand on one leg. The officials used psychologically degrading terms and insulted my religion. They poked my chest and gestured that they would throw an ash tray to my face. The interrogations lasted for seven days.”

### **DJ.07.2015**

The interviewee is a male, 28 years old. “On 11<sup>th</sup> January 2015, the fourth day I was electrocuted while I was blindfolded. I felt the pain at the testicles but being blindfolded, I did not know what they were doing. They grouped, pulled, squeezed my genital. I became frigid (my genital is still contracted). I was stripped naked in a low temperature room before female officials and a female official pressed her breasts on my face. I had blood in the vomits, urine and bowel and my chest was bruised, red and swollen after being beaten for many days. When I prepared to show wounds, officials then ordered me to leave. A doctor administered one injection and paracetamol. I passed

out and loss conscious for a day. I confessed on the fourth day because I was electrocuted.”  
(This case is also reported under the section on electric shock)

DJ.11.2015

The interviewee is a male, 26 years old. “On 27<sup>th</sup> February 2015, during an interrogation session, officials smacked my head, crushed my adam’s apple with the side of a palm, and stripped me naked for four to five hours. They used rubber bands to hit my testicles. They also tapped my upper lip. Military officials kicked my ribs, face, and chest. They tied my to a chair, covered my face with a shirt and poured water over my mouth. They turned the fan on, took a shirt off from my head and suffocated me with plastic bags until I passed out. After I had regained my conscious, I struggled so my handcuffs were broken; they put new handcuffs on. I could not breathe.”

DJ.14.2015

The interviewee is a male 32 years old. “In April 2015 I was invited to the Taskforce 22. I went with my sister at 9.00. They asked me a number of questions about my family till 18.00 hrs. At 19.00 hrs I was transferred to Ingkhayuth Camp. On the 4th days of interrogation. There were 6 officers in the room asking me to confess and said that they knew my friend who is an insurgent. I did not confess so they asked me to take off my shirt and I did not confess. They asked me to take off my pants and asked me to sit and stand for 10 times. Then asked me to put back my clothes then asked me to sit”

H.02.2015

On 14<sup>th</sup> October 2014, I was punched, kicked, and slapped on my chest, abdomen and head for 15 times, within an hour while I was laying down. I had bruises, I felt numb, exhausted and I lost conscious. I was forced to do a sitting on a chair or under a chair position two to three times for two to three minute a time. Thus, my limbs felt exhausted and numb all the time. I was detained in a cold place for 4 hours until I felt cheat pain. They pushed a barrel of a gun into my mouth once to twice for two to three minute each time while I was sitting on a chair, thus I had a wound in my mouth and could not eat. When I was arrested, they took off my clothes and I was forced to be naked once for four hours while I was sitting and standing on a chair. The interrogation involved extracting my confession for torching a school.” (This case is also reported in the next section on 'stress positions)

H.03.2015

The interviewee is a male 39 years old. “On 20<sup>th</sup> October 2011, during the five days I was here, I was slapped on my face every time I denied about the stolen guns. While I was detained at Ingkayuthaborihan military camp, (Bo Thong District), the official used many ways to assault me. Some days, military officials ordered me to be naked, detained me in a room or ordered me to perform squats until I was extremely exhausted. I was detained for 26 days. I was slapped on my face, nose, and chest. They kept me in a low temperature room for 23 days. My body was shivering and cold. They stripped and forced me to remain naked. They squeezed my genital harshly for five minutes. They told me I was stupid and I was duped. They also threatened to kill me.” (This case is also reported in the section on stress positions)

## **Stress positions**

Stress positions is forcing a person in a position, which detainees will be physically in pain from being in an uncomfortable position, such as forcing a person to stand or suspended a person in an uncomfortable position. Stress positions may cause long term or severe damages to the nervous system, joints, circulation and muscles. Mentally, it causes powerful humiliation and feeling out of control of oneself. Stress position can cause pain or a feeling of being punished. For example, when ordered to shake one's hands over the head, a victim may feel a strong resistance and self-loathing for not following an order.

#### **DJ.10.2014**

The interviewee is a male, 30 years old. "On 13 April 2014, I was questioned and interrogated at midnight, then they took me to rest. On the second day, I was interrogated from 20.30 hr.-22.30 hr. I was detained under the Martial Law for seven days. After that I was transferred to other part of Ingkayuthaborihan military camp during the Emergency Decree custody period. Officials crushed my shoulders and threatened me to tell all information. They attacked me and slapped my face. My mouth bled. They kicked my thighs twice. They ordered me to performed sit-ups 50-100 times, squats 200-300 times, to walk or to run barefoot on a scalding concrete road during daytime until my feet blistered from the heat on concrete. Interrogations also happened at night from 20.30 hr.-22.30 hr. I was consecutively assaulted me for a week."

#### **H.12.2014**

The interviewee is a male, 41 years old. "In 2007, officials interrogated me from 21.00 – 05.00 hr. Interrogations were conducted in extremely low temperature, with an order to strip, to be naked and to stand on one leg. The officials used psychologically degrading terms and insulting my religion. They poked my chest and gestured that they would throw an ash tray to my face. The interrogations lasted for seven days. "

#### **H.02.2015**

The interviewee is a male, 29 years old. On 14th October 2014, I was punched, kicked, and slapped on my chest, abdomen and head for 15 times, within an hour while I was laying. I had bruises, I felt numb, exhausted and I lost consciousness. I was forced to do a sitting on a chair or under a chair position two to three times for two to three minute at a time. Thus, my limbs felt exhausted and numb all the time. I was detained in a cold place for 4 hours until I felt cheat pain. They pushed a barrel of a gun into my mouth once or twice for two to three minute each time while I was sitting on a chair, thus I had a wound in my mouth and could not eat. When I was arrested, they took off my clothes and I was forced to be naked once for four hours while I was sitting and standing on a chair. The interrogation involved extracting my confession for torching a school."

#### **H.03.2015**

The interviewee is a male 39 years old. "On October 2014, some days, military officials ordered me to be naked, detained my in a room or ordered me to perform squats until I was extremely exhausted. I was detained for 26 days."

#### **H.04.2015**

The interviewee is a male 42 years old “On 17 Oct 2014 during the interrogation I was hit by a chair till the chair was broken. For one day and one night I was asked to sit and stand for a long time while my hand was tied at the back. I was naked and asked to bend my face down for one day. My gentile is still hurting.

### **Water cure**

Water cure is a form of torture in which a victim is forced to drink a large amount of water during a short period of time causing stomach gas and swelling, Excessive water in the body also can cause poisoning and may be life-threatening.

### **DJ.11.2015**

The interviewee is a male, 26 years old. On 27<sup>th</sup> February 2015, officials tied me to a chair, covered my face with a shirt and lured water in my mouth. They turned the fan on, took a shirt off from my head and suffocated me with plastic bags until I passed out. After I had regained my conscious, I struggled so my handcuffs were broken. They put a new handcuffs on. I could not breathe. They kept pouring water over my mouth until I was choking. After a moment, I told them I would ask. They ordered me to drink two bottles of water. At 05.00 hr, I could sleep for two to three hours. The next day, about four to five officials who appeared to be intoxicated brought a bottle of water in front of me, seated me on a chair, handcuffed my wrist to the back and covered me to my knees with two sacks of ice. The turned a fan on, then they covered my face with a shirt and forced feed me that water, which tasted weird. I did not know what kind of water it was.”

### **H.05.2015**

The interviewee is a male, 36 years old. “On 22 March 2015, after 22.00 hr, they beat me without any questioning. They pushed me to lay on supine position and crushed my neck violently with their hands. After that they forced feed me water and turned my body around many times, At 02:30 hr in the morning I passed out. They pulled me, sat me on a chair and threatened that they would be ten times more violent if I still denied.”

#### **4.3 Other ill treatment methods**

- DJ.03.2014, An interviewee is a male, 33 years old “**I was forced to crawl naked and cry like an ox, hit a rubber bands on my genital...**”
- DJ.05.2014 , An interviewee is a male, 34 years old “**เจ้าหน้าที่ ถอดรองเท้าและเอาเท้ามารูดหน้า 1 ครั้ง ให้ถูก-นั่ง 40-50 ครั้ง**”
- DJ.07.2014, An interviewee is a male, 29 years old “My both eyes was closed, the para-military officer next to me put his gun into my mouth. I stayed in a cold room from 11.00 am till midnight. There is no water for me to wash for prayer. I could not pray 5 times accordingly to me religious belief”

- DJ.09.2014, The interviewee is a male, 32 years old “They denied an access to prayers, when I requested. They slapped my face with a palm, knocked my head and flicked my ears for more than ten times. My body was exhausted and weak. They threatened, if you did not confess, people in your family would not leave here. They also said, “You will surely die.” (This case is also reported in the section on sleep deprivation)
- DJ.11.2014, An interviewee is a male, 25 years old “the officer came to give me something to eat but they did not actually give me but they put it in the toilet instead”
- DJ.15.2014, The interviewee is a male, 27 years old “Officials press a barrel of a gun on my back and took me into a vehicle. They drove me around a crowded bazaar and parked a vehicle for people to look at me. Every night at the detention room, there were disturbing noises all night long. *I heard a sound of a stick scrapping against the wall, dogs howling in the front of my room.*”
- DJ.11.2015, An interviewee is a male, 26 years old “During an interrogation, officials attacked me by slapping my head, hit my Adam’s apple with the side of a hand. They also stripped me naked for four to five hours and **used rubber bands to hit my testicles. They also tapped my upper lip.** Then, about ต่อมา 14.00 hr, the officials ordered me to stand under the sun without wearing shoes. I was told to lift my arms and stand on one leg. The officials twisted my arms. It was painful. I had stood for two to three hours. The officials seated me on a chair, handcuffed my wrists to the back and covered me to my knees with two sacks of ice. They turned a fan on, then they covered my face with a shirt and poured water on my mouth. They pushed me to lay on my stomach and crushed my chest and my genital under their feet.”
- DJ.12.2015, An interviewee is a male, 23 years old. “During an interrogation, they smacked my head, slapped my head and **flicked my ears** many times. They also strangled me with a scarf until I was out of breath.”
- DJ.13.2015, An interviewee is a male, 26 years old “when I was on a vehicle, they hit me by a helmet at my nape one and separated every one. *They used the helmet to cover the head and knocked on it like playing a drum. They used impolite words such as bastard, call Allah to help you.*”
- H.06.2015, An interviewee is a male, 44 years old. “While the situation was still unclear, officials dragged my son out of the house. (While he was in the house) and the officers slapped and kicked his head several times. I *saw everything that happened to my son.* While I was in a car with another friend we were beaten, kicked in the face, slapped at the head several times. They threatened to kill me. During an interrogation, officials crushed my arms, poked my abdomen with a dull stick. It was very painful even the stick was not sharp.”

## 5. Impacts from torture

## 5.1 Physical impacts

- DJ.02.2014 “I coughed blood and it was painful. I have bruises. My wrists have bruise  
marks from handcuffs.”
- DJ.06.2014 “I could not see properly and my tooth was broken after being pressed so hard with the gun. I was unconscious then.
- DJ.08.2014 “The symptom regularly still persists. I have big lumps in my neck.”
- DJ.10.2014 “My mouth bled. My feet blistered from the heat on concrete. They changed interrogation place all the time. My body constantly ached from performing sit-ups and squats that I had to take muscle relaxant”
- DJ.11.2014 I have a scar on my hip. My eye was bleeding. My legs was also hurting. I was unconscious many times. The room was too cold and dark, there is no space in the room I could not breathe. My chest is numb and hurt.
- DJ.14.2014 “I cannot used my hands for heavy work. They are always painful. I have chest pain and I went to a prison hospital for a treatment.”
- DJ.15.2014 “My lips were bleeding, my chest was extremely painful. An official hit me with the handle of a gun and the right side of my face was bleeding.”
- H.05.2014 “Throat inflammation. I cannot swallow my saliva because it was painful.”
- DJ.07.2015 “Frigidity (Genital is still contracted)”
- H.04.2015 “Genital pain”

## 6. Psychological Impacts

In the study of Daniel Kramer entitled “The Effects of Psychological Torture 2010”, Professor Almerindo Ojeda explained that the psychological effects of physical and psychological torture resulted in mental damage such as anxiety, depression and PTSD (Post Traumatic Stress Disorder). Importantly, the state of brain is no longer the same as before the torture. There is therefore a need for some kind of psychological remedy and mental health care. However, Dr. Laifungbam Debra Roy, the President of CORE and Director of H2H, the member of International Rehabilitation Council for Torture Victims (IRCT) said during the training session on the remedial treatment of the victims of torture on November 16-19, 2015 that psychological remedy won’t be able to fully recover the victims from the maltreatment and torture. However, a remedy will help

them feel more comfortable to live with their family members and society at present and in the future. The victims of torture in the deep southern provinces of Thailand are not different from others elsewhere. According to the report, the main signs of the victims are as follow:

### 6.1 Effects on individuals

The victims have nightmares, had a feeling of being haunted, and were always able to recall the bad time; were stressed, worried and anxious all the time; hurt, depressed, wanted to be alone, unwilling to see others, discouraged, hopeless, always worried and afraid to have same bad experiences, poor concentration, and suffered Attention Deficit Hyperactivity Disorder (ADHD).

DJ.10.2014: “Stress and Anxiety! Why was I arrested again and again for something I hadn’t done? I am angry that I didn’t get justice from the State. Bad experiences and ill feeling cannot be removed but I have to tolerate as much as possible.

DJ.04.2014: “Stress, depressed, don’t want to talk with anyone. Thinking alone, don’t want to be with anyone but want to be alone”.

H.01.2014 “At first, when I was arrested, I was so anxious, especially worried about my children, wife and family members. How they are going to live when I was not around? I was no longer able to protect them when I was tortured. I was fed up and felt hopeless with the violent interrogation. They treated me just like I was an animal. They hurt me badly. Sometime, I just suddenly felt I wanted revenge. Sometime, I was nervous and could not sleep. But after a while, I got used to it. But this does not mean that we can let it go. These bad officials need to be brought to justice for their misbehavior and torture of the victims.”

DJ.10.2015 “I was angry when I was arrested. That’s painful. They did everything against me with whatever equipment at hand. I felt pain all over my body. I felt it was like the end of my life. I tried to fight for survival but it was really hard. But when I was released, I felt uneasy and skeptical. I had to be alert and be aware all the time. I feel anxiety all the time. I am afraid to see the officials when I drive a car. I tried my best to avoid seeing any officials.”

### 6.2 Effect on the family of the victims

“Like being alone, lonely and don’t want to see others, fearful, afraid that the family is not safe, or concerned that the family will be in trouble again.”

The psychological impact will affect the livelihood of their wife, children and family members because the victims would feel uneasy, suddenly angry when there is stimulation which might bring about the violence in the family. If the wife didn’t understand this sign, then that might cause the divorce and finally it will be affecting the children”.

10.07.2014 “I was so angry because I didn’t do what I was accused of. I feel I am a scapegoat. I am so worried about my family, my dad, mom, my children and wife and how they are going to live. I was so angry since neither I nor my relatives did anything wrong.”

01.13.2015 “I was hurt because I didn’t do anything wrong. It is not justice. Where has the justice gone? Why are they putting me in jail? When I was in jail, everyone looked at me as a bad guy. Whatever it is, we still have to move on, do my best. I had never been kicked by someone before. Of course, I was upset when I was kicked like that”

### 6.3 Impact on Social and National Security

Many people might not understand how the torture will affect the social structure or national security. Many may not have thought about this before. But victims are being tortured by the officials who represent the state agency. When the victims of torture get angry, then they may want to take revenge against the State or look at State agents negatively. So, the credibility of social and State structure would be reduced, challenged and mistrusted. Questions may be raised over the credibility of the legal system or even the justice system. At the end, it might bring about a violent confrontation.

01.08.2014 “Afraid that society will not accept me and not understand me”

H.04.2014 “I really feel painful this time and want to take revenge against the State officials. I have no trust and no confidence towards the government officials in the area. I feel unsafe for my life and property. Officials who came to look around in these areas are really meaningless and useless”.

01.05.2014 “Now, I am still hurt and angry about why they had threatened us like this”.

H.02.2014 “I felt angry about the officials who treated us badly and inflicted pain on us. They treated us just like we are an object. I have never done anything bad to others. I felt inferior, born as a Malayu in Pattani whose rights and dignity are being ignored and undermined all the time. I am still anxious even now. I can still remember almost everything, every step the bad officials have done to us, those images are still haunting me until now”.

H.06.2014: “I am very angry. I am so skeptical about the officials and will never trust them any longer”.

H.13.2014: “Other people looked at us as a terrorist in the 3 deep south provinces. So how can we live in this society, then? We are still angry over the officials who are so cruel and inhuman towards us. We are also worried when thinking about what happened to us and our friends in the past”.

H.14.2014: “I’m so angry about the government officials. I feel sorry about what had happened. I never thought that we got the same treatment as others even though I haven’t committed any crime.”

DJ.01.2015: “I feel very angry. I want to fight back. There is no hope for the officials who didn’t stop those who committed the crime of torture”.

01.15.2015: “I feel sad about what happened today. I had cooperated with the official quite well even before I was arrested. But now, I have already lost the confidence in the official staff of the judiciary. I might not collaborate with them in the future”.

In conclusion, torture has an impact not just physically or psychologically but socially. The impact is felt in broader social units starting from the family, relatives, community, society, and even with respect to national security. This broader impact of torture is often overlooked and it is not understood that it is not affecting only the person who was accused as a terrorist suspect. This kind of mentality/ attitude must be changed in order to lay down the foundation that national security always based on people’s security.

7. How to deal with those who are the torturers?

#### 7.1 Judicial Procedures: Torture Cases

There are number of complaints of torture arising from the situation of unrest in the deep southern provinces of Thailand. However, not a single case has been recorded where officials suspected of inflicting torture have been imprisoned, or convicted. However, there is a case of where Pattani Military Prosecutors office filed a case against Sergeant Major Kwanchai Srinil in the Military Court, for physical assaulting a 14 year old boy called Adil Samae from the province, and Masaofi Kwaenboo, aged 20. On April 26, 2010, the Military Court sentenced the defendant to one year imprisonment and fined him 4,000 Baht. Since the defendant confessed to the crime during the hearing, the Court reduced the sentence to 6 month imprisonment and 2,000 Baht fine instead. However, as the defendant did not have any prior convictions and behaved well during the trial process, then the court ordered the suspension of punishment for 2 years but kept the fine as it is.

For other cases, after the judicial procedure, the relatives of victims who died from torture, mostly agree to receive the remedy of financial assistance/ compensation from the defendants after the Administrative Court orders. One example is the case of Imam Yapa Kaseng. After some compensation was paid, further legal action was terminated. However, in the case of Asa-aree, Ms.Bae-doh Sama-ae, the Plaintiff, filed the case in the Songkla Administrative Court seeking to recover damages from the Ministry of Defense (Defendant No. 1), Royal Thai Armed Forces (Defendant No. 2), National Police Office (Defendant No. 3) and the Office of the Prime Minister (Defendant No. 4) due to the fact that the offenders are the officials of those 4 Defendants had caused damage during their operation by exercising the power under the Martial Law Act B.E. 2457 to detain Mr. Asa-aree Sama-ae, the son of the Plaintiff and company. The officials had allegedly had tortured and beaten the victims to death in custody during the detention. The Supreme Administrative Court sentenced the Office of the Prime Minister (Defendant No. 4) to pay the restitution to the plaintiff with the amount of 534,301 Baht together with 7.5 % of interest rate per year since July 17, 2008 onward. However, the charge against Defendants No. 1, 2 and 3 were dismissed. The payment for restitution

according to the verdict is separated from the 7.5 million Baht the government used to pay for the remedy to the affected victims. Thus the 534,301 Baht is a separate amount for restitution which the Office of the Prime Minister has to pay to the family of Mr. Asa-aree Sama-ae.

## 8. Reparation for the Victims of Torture

Reparations for the victims of torture in Thailand is still at an initial stage. The Cross Cultural Foundation (CrCF), Duay Jai Group (DJ) and the Patani Human Rights Networks are trying to set up a joint project on the Rehabilitation Center for the Victims of Torture. The effort was started by inviting experts from abroad both Psychologists and Psychiatrist who are experienced in medical and psycho-social remedy to help the victims to recover from severe mental trauma caused by torture. Methods and means of remedy are as follow:

### 8.1 Means of Remedy

#### (1) Group Therapy

Those who have experienced torture often have a common thought all the time after they had bad experiences. “That no one understands me except myself.” Those who had been tortured continually with recent experiences, always tried to avoid meeting others. They won’t trust other persons. And that make them recall the bad time they had before. The fear of this painful memory causes behavioral change of the victims. This might bring about problem of social interaction.

Group Psychotherapy is a kind of psychotherapy for those who have had mental, emotional and behavioral problems. It applies a well planned group dynamic, by a special professional team. This group dynamic would emphasize conversation and exchange of views and ideas as well as some suggestion, and recommendations for further improvement, attitudinal change and resolving the problems of the group members. The main concept of the Group Psychotherapy is the peer (to peer) consultation, mutual help, building the mutual trust among the group members, relaxing from the stress, resolving the internal matters and overcoming the obstacle of the group members. The Group Psychotherapy also aims to share the concerns and learn how to apply appropriate psychological mechanisms correctly. Group members also learn how to manage their emotion, proper expression, build up good relationship within the group, uplift and regain their self esteem, and develop an understanding on oneself.

Recovering from the bad experiences by this group psychotherapy will enable the victims to be aware of their emotion, understand their trauma and be able to re-integrate and manage the new assignment with the proper emotion which focuses on “HERE and NOW”. This is an essential for mental health such as the philosophy of remedy through the Group Psychotherapy that enables the new environment which is safe and free from any kind of intimidation. This is a good opportunity to come across such psychological obstacles or barriers.

In the process of assessment for level of trauma and the treatment, Dr. Hyun-jung Choi, Clinical Psychologist, a Korean expert had managed the group into 2: Group 1 for the victims of torture; and Group 2 for the families of the victims of torture. Group conversation and dialogue with the key guided questions to facilitate a flow of exchange as much as possible is applied.

Group I: The Victims had reflected the problems as follow:

1. They felt like the others in society hate them
2. Fear of assassination
3. Cannot take good care of their family
4. Be drowsy easily
5. Insomnia (couldn't sleep well or sleep deeply)
6. Always escape when they saw the military come to visit them at home
7. Decision making potentiality is reduced. Couldn't answer or respond promptly
8. Thinking heavily/ couldn't find answers/ annoyed or irritated when they couldn't get answer
9. Not trusting anyone easily/ always fear that other might be a spy
10. Afraid/ hesitant to join social gathering/ interaction with others
11. Fearful of surveillance if they return to perform their role in society

The expert explained that it was a sign of trauma that the victims were always worried. It's relatively rational if the current situation is still tense and one cannot assess if such signs are signs of trauma or not. This sign is quite different from those who have a mental illness. Normally, trauma is a sign that exists after being tortured. It is not congenital disorder but caused by a serious physical attack that then affects the mental state and results in the changes of victims' mentality and behaviors. This disease needs special care with good understanding. Therefore, the family members need to have a high level of tolerance.

Group II: Family of the victims

Feedback from the victims' wives after their husbands were released from prisons/ detention centers

- Husbands are in bad mood/ emotional;
- Thinking slowly, busy and attentive to the work – don't care of their health – work until it is finished;

- Husbands started to exercise their power violently, beating the kids whenever nervous;
- Not associate with anyone

When assessing the stories from the relatives, the experts found out that there are still some signs of being affected, such as they cannot be in the dark places; cannot see the symbol related to the day of being tortured such as green colour might make them thinking of military, for instance. These are stimulating factors to the higher emotional level of the victims and affect the change of behavior.

From the activities, the experts found out that the wives of the victims are stressed because they didn't know how to resolve the problems being faced. But they have some level of understanding of why their husbands are like that.

After the exchange with the victims and their families, the experts then proposed the means for taking care of victims:

- Design physical exercise to relieve the stress and explain that

Stress makes us feel more pain and affects our body. To cure the stress, we have to understand the causes. The problem was the 'changing of my husband after he was arrested.' There is a need to understand and help him out. For those victims of torture, they might change their habits, or behaviors. This was not caused by the mental disorder of the victims. For instances, those who were mindful became stressed, some over concentrated on some things, some felt exhaustion and weakness all the time while some could sleep deeply but often woke up frightened. Some even couldn't make a decision within a limited time. These kinds of behavioral changes will affect the physical and psychological aspects to the family of the victims as well. This can be regarded as the violence against other human beings. When the dignity of the victim is deprived, then the victim might do the same to others.

- o Understand that the affect of torture is the state the body, loss of their self control, weakness and helplessness which are the main purposes of torture. Side effect which affect the physical and psychological health such as the stress which make the muscle painful, strained, tired, slow thinking, not lively, dull, moody and dizzy all the time. All these are the result of the physical attacks. During the attack, these affect the thinking and mentality of resistance. In one hand, the victims want to respond but on the another hand, the victim wants to run away. But since the victims couldn't do both, then they felt painful, exhausted and a loss of control over their body.

- o One of the serious sign: The victims thinking about the past and the future but not the present. That makes them lose the capacity to make decisions about what they are thinking. The more they think the more they cannot find out the good answers. Because they only concentrate on the past but have no intention to think about the present and make the right decision based on the current situation.

For instances, when the wives found that their husbands are nervous due to some form of stimulation, these make them recall the bad time in the past. The wives need to help the husbands by cooling them down and make them relax because they are trapped in the memory of their bad time in the past. The wives need to bring them back to the present - current reality, once again. This can be done by touching softly on their bodies, arms, to make them feel that someone is together with them, understands them and provides them with some moral support. These signs can be handled smoothly if the family members understand the real reasons that heated or changed the victim. Then the treatment of the victim can be done, finally.

The exchange of ideas on how to facilitate psychological therapy including creating a friendly environment for the victims of torture, interaction between the victims and their family members had taken place. They will be able to calm down their stress and depression. Furthermore, a change of venues will enable to reduce the stress from the normal situation.

## (2) Movement Therapy

Torture is happening everywhere and those who committed torture are mostly those who are in power such as security agents, both police and military with their attempt to force confessions, intimidate and threaten the people. This torture always occurred in secret places that no one knows about. These problems are getting more and more unpopular. Various kinds of intimidation includes a series of visits from State agents, threats over the phone, mental and physical harassment. Some physical effects include insomnia (inability to sleep), loss of appetite (eat less), anxiety, don't want the kids to leave the houses, paranoia, etc. Be aware that that the victims have such complicated problems. Sometime, their problems are affecting the way of living and income, causing poverty. That's the reasons why we have to provide a remedy for torture victims. Improved relationships will enable them to move on.

In order to work for the safety of the victims of torture, the requirements are:

- working openly
- creating social awareness
- building up the networks of victim families in the community

Rehabilitation for the victims of torture has to include both physical and mental remedies together. Attention should be paid to the 3 key factors that need to be developed:

- social needs
- economic needs
- psychological needs

In the area of psychological therapy, H2H, a specialized organization, proposed the process of Movement Therapy to improve the movement, balance, strength and flexibility of victims, strengthen the muscles, improve joint and muscle flexibility, improve blood circulation, protect injuries, etc. Movement Therapy is also good for practicing meditation, managing emotional balance, appetite, and anxiety. It is also good for the attitude and emotional adjustment.

It is also reported that Movement Therapy enhances self respect, reflection and builds up communication capacity and higher level of tolerance. This therapy also brings about a pleasant environment and creativity as well.

## 8. Challenges to the Rehabilitation of the Victims of Torture in Thailand

- (1) Victims of torture have no (not yet) confidence about the institutions that provide a remedy (Rehabilitation Center) and are unwilling to join the rehab program – Many victims always claimed themselves that they are still normal.
- (2) Lack of rehabilitation experts for both physical and mental health for the victims of torture
- (3) Lack of rehabilitation centers to provide a remedy those victims of torture
- (4) Lack of physicians/ medical experts within the country and increasing costs of a remedy
- (5) The opportunity to hold meetings between medical experts and medical doctors at provincial levels for further collaboration (is needed)

## 9. Compensation/ Remedy

It is quite difficult to get compensation for the victims of torture unless there is clear physical evidence that has been investigated and reported by the medical experts. In cases where death has occurred there may be the victim's body with some signs of torture that might occur during the detention (or under custody) of the officials. The case of Imam Yapa, Asa-aree Sama-ae or the university students who were the victims of torture and violence in custody particularly under the special security laws received compensation from the defendants through the order of the Administrative Court. But these cases couldn't bring the perpetrators to criminal justice since the post mortem had already been done. It's in the hands of the Attorney General to pursue the cases. Besides, there are several cases the Southern Border Provinces Administrative Center (SBPAC) had provided remedy in form of financial assistance in 2013.

Some selected cases:

- (1) Mr. Rayu Dorkor's Case

Cross Cultural Foundation (CrCF) released a report that on January 20, 2015 at 10.15 a.m., the Supreme Administrative Court opened the first hearing of the Undecided Case

No. O. 464/2555 at the Court Room 12, 3th Floor, Administrative Court Building, Government Complex, Chaeng Wattana Road. The case of Mr. Rayu Dorkor (plaintiff) v. Ministry of Defense/ Royal Armed Forces/ National Police Office/ Office of the Prime Minister (defendants) on the dispute of the violation committed by the administrative agencies or their state officials while exercising their legal authority.

The Administrative Court's Case, the Judge who makes the Conclusions (Commissaire du gouvernement) believed that the defendants brought the plaintiff (victim) to make a press conference on a wrong allegation. There were physical assaults and serious harm inflicted on the plaintiff physically and mentally when he was only 18 years old. He was also forced to be in the same prison together with the adult detainees. There were medical check-up reports from both military hospital (Inkayuth Boriharn Camp Hospital) and international agency (International Rehabilitation Council for Torture Victims - IRCT). The judge formed the view that the Defendant No. 4 which is the Office of the Prime Minister (OPM) as the agency supervising the Internal Security Operation Command (ISOC) should be responsible for paying compensation/ reparation to the plaintiff on the basis of physical, health, psychological and civil liberty damages, as well as the restitution for the damage of fame, dignity from the press conference affecting the benefit and income from his employment to the total amount of 233,036 Baht including the 7.5 % interest rate per year of the 202,640 Baht from the day when the case had been submitted to the court until the day of the settlement of compensation to the plaintiff.

## (2) Mr. Isma-al Tae's Case

On January 13, 2015, The Supreme Administrative Court opened the first hearing at the SAC, 3rd Floor, Court Room 12 on the case of Mr. Isma-al Tae (Plaintiff No. 1)/ Mr. Armesi Manak (Plaintiff No. 2) v. Royal Thai Armed Forces (Defendant No. 1)/ Ministry of Defense (Defendant No. 2) for exercising their authority in accordance to the Martial Law Act B.E. 2457 (year 1913) as: (1) the military officials detained the university student of Yala Rajabhat University; (2) Damage Compensation according to Article 32 of the Constitution in which the plaintiffs disagreed with the order of the Songkhla Administrative Court. Earlier, the Songkhla Administrative Court ordered the Defendant No. 1 to pay the damage for torture to the plaintiff based on Article 32 of the Constitution B.E. 2550 (year 2007). The court cited the Compensation for the affected person in the Compensation Act and the Ministerial Rule (which set forth the scale how to pay compensation to the affected and the ceiling for the payment) to be the standard in calculating the amount of compensation. If so, the plaintiff would be only get the compensation of 45,400 Baht each. But the Songkhla Administrative Court ordered the Defendants to pay the compensation to the plaintiff with the amount of 255,000 Baht and 250,000 Baht respectively. For the breaking down of compensation list: Medical Fees and Rehabilitation Cost 30,000 Baht each; Reparation according to Article 32 of the Constitution 15,000 Baht each; Compensation of daily income 200 Baht per day

From the legal case studies of torture seeking for justice and fair compensation presented above, the cases reflect:

- Failure of judicial procedures and failure to provide reparation to the victims of torture;
- Failure to bring perpetrators to justice;
- Failure to make compensation available for those who lost opportunity to earn income and get proper jobs; and
- Failure to provide psychological remedy/ rehabilitation which is not yet available and materialized.

## 10. Preventative Approach on Torture

### 10.1 Laws

(1) Lift the law enforcement which allow the officials to commit torture and ill treatment such as Martial Law Acts B.E. 2457 (year 1903), Administrative Decree on the State of Emergency, etc.

(2) Enactment of the laws conducive to the Convention Against Torture and Other Cruel, and Inhuman or Degrading Treatment or Punishment (CAT) that require the State Party to guarantee that acts of torture is a crime in accordance to the Penal Code

(3) Amending the laws, orders, regulations which are contrary to the protection of torture such as the Rule which is not allowing the suspects to meet their relatives and lawyers; laws and orders those need to forward the cases to the National Anti Corruption Commission (NACC) or the Public Sector Anti-Corruption Commission (PACC) for investigation, for instances.

### 9.2 Practices

(1) The officials at all levels related to the control, detention of suspects, prisoners, etc. should understand Universal Human Rights Principles especially the Convention against Torture;

(2) To facilitate rapidly and transparently for the investigation over the judicial process, places of detention wherever cases of torture are reported. That must be investigated by independent, credible, neutral and well respected organizations/ institutions;

(3) Change the way in visiting the prisons/ detention centers. Officials should not interfere with conversations between visitors and detainees or stay too close to the private meeting between the detainees and their relatives;

(4) Whenever complaints of torture are received, the credible agencies should take the role and be allowed to visit, investigate the detention centers and seek to reassure that the victims that they will not be tortured again.

(5) Promote independent and credible Forensic Sciences/ Forensic Medicine Institutions which are available and accessible promptly, free of charge for medical check-up, autopsy/ post-mortem examination, any other physical or forensic evidence/ materials related to the cases of torture.

END.

## Annex 1

Fact sheet on the death in Custody of Mr. Abduldayib Dolah  
4 Dec 2015

Early morning of 4 December at 8.00am, relatives of Mr. Abduldayib Dolah, 45 years, who was held in custody at the Ingkhayutthaborihan Military Camp, Pattani, were informed that he had died already at the place he had been deprived of liberty.

Mr. Abduldayib Dolah, 45 years, from Ban Mai, Tambon Kolotanyong, Nongchik District, Pattani, was apprehended on 11 November at 01.00am. His relatives complained with the Muslim Attorney Centre Foundation and the National Human Rights Commission (NHRC) concerning the search and detention of Mr. Abduldayib on 12 November. Later, they had been visiting him while being detained regularly, the last of which took place on 3 December 2015. They were later informed by the community leader about the mortality of Mr. Abduldayib on 4 December.

At 10.00, the Internal Security Operations Command Region (ISOC Region 4) has contacted the Duay Jai Group and a few other civil society organizations to bear witness during the autopsy of his body at the Ingkhayutthaborihan Military Camp, Pattani, together with his relatives. His body is being transferred for further forensic examination by doctor at the Prince of Songkhla University.

After the autopsy as warranted for by Section 150 of the Criminal Procedure Code by inquiry officer, public prosecutor, administrative officer and doctor (albeit not forensic doctor), an attempt was made to clarify the matter with his relatives since from looking at the appearance of his body, one cannot determine the cause of his death. The talk was also coordinated by staff from NHRC and the forensic medicine center of the Prince of Songkhla University from Hatyai. The talk also touched on religious issues and it was done so to convince the relatives to consent to having the body examined by forensic doctor which was carried out around 1.00pm. After that, the body has been retrieved for religious rite the same day. However, the family did not allow the forensic doctor to conduct full autopsy only taking blood, blood stain on his chest, tear, sperm stain, and saliva to test DNA.

Two days after his death, the local army unit set an investigative committee which the wife denied to sit as a member. On 16 Dec, the local army unit organized a press conference with the forensic

doctor and released the concluding the cause of the death was not found. She lost her confidence in the internal investigation in the country

The wife has submitted a letter requesting your assistance as per attachment.

No. 01/2558

Written from No.35/1 Moo 1  
Ban Kolo Tanyong, Nong Chik District, Pattani  
Province

25 December 2015

Dear UN Special Rapporteur on Torture

Subject: A request for an inquiry into the death of Mr. Abduldayib Dolah whose death in custody took place in the Ingkhayutthaborihan Military Camp and asking for justice

On 11 October 2015, at 01.30am, combined forces of the military with over 100 officers have laid siege to the house no.35/1 Moo 1, Ban Kolo Tanyong, Nong Chik District, Pattani, while I and my husband (the deceased) were sleeping in there with our three children. The officers with their threatening voice asked us to open the door and came in to search the house. Though no illegal things were found, they decided to apprehend my husband and took his ID card, 170 baht of cash and one mobile phone.

Prior to this, our house had been cordoned off four times and I was told that my husband had been involved with narcotic trade, though no illicit articles had been found in each of every search. But the sieges had terrified our family and our relatives since the military officers came wearing their face masks.

On 12 October 2015, I was able to visit my husband and gave him support. We were able to talk normally and I could not recall any abnormal things that happened to him.

On 13 October 2015, I went to visit him as normal, but was unable to ask for his wellbeing since the military officers sat by and listened to the entire conversation.

On 14 October 2015, I could only visit him for ten minutes and was barely able to talk anything with him.

During his custody at the Ingkhayutthaborihan Military Camp, I managed to visit him every day. During the last week prior to his death, I could observe how he was consumed by his stress and fear as he disclosed to me that he had been subjected to intense questioning by the officers. He said he felt so desperate and scared. He also said that he had been subjected to intimidation and forced to make the confession to being complicit in a criminal case. I did not ask him which case he was talking about and where it took place. But he said he did not admit to doing it since he had not done it. He disclosed to my visiting relatives that during the interrogation, he felt so hopeless. I asked him back when did the interrogation take place? And he said it happened around 1.00-2.30am. I then told him to be patient and that he would be discharged in the next few days.

On 4 December 2015 at 7.30am, local military officers came to meet me at my home telling me that I could pick up my husband. I was so delighted as all members in my family and my children were looking forward to welcoming him home and to living together again. Then, I was slightly taken aback as the officers told me to ride with them in the same car with the Village Headman, whereas my other relative was to ride in another vehicle. I thought in my mind that there must be something wrong. Upon arrival at the Ingkhayutthaborihan Military Camp, I saw a number of military officers standing there and the Village Headman whispered to me that my husband had died. I was so overwhelmed by grief and had no idea what to do further. I had never expected this to happen.

My husband was innocent and hard-working; he always worked to raise his family and had to look after three children and one adopted orphan. Why did the authorities have to treat him like this? And the death of my husband was not the first death in custody in a military camp. Then, the military officers arranged the body examination bringing in a physician from the Ingkhayutthaborihan Military Camp Hospital to carry out the procedure. While the examination was conducted, I had already presumed that the result would turn out that way. I was convinced there were so many doubts about the death of my husband. I decided to ask for advice from the Muslim Attorney Centre (MAC) in Pattani and to arrange for the autopsy of the body at the Hatyai Hospital to seek justice for my husband. The autopsy was conducted from 14.30-15.00 and my relatives have asked the physician to examine traces outside the body, DNA samples from his saliva, semen, bloodstain on parts of his body, and watery fluid in his eyes to detect any chemical residue. During the body examination, it turned out that military officers were guarding outside the room and had some quarrel with the physician from time to time. At 15.00, the examination was completed and his body was taken outside the room and had been retrieved to perform religious rite.

Two days after the death, I have learned an independent inquiry committee was set up by the Internal Security Operations Command Region (ISOC Region 4) to look into the case led by civilian officers at the provincial level. But the establishment and procedure has been made without any participation from relatives of the deceased. The wife and relatives of the deceased also proposed that international human rights agencies or the United Nations should be involved with the inquiry process, but the proposal was flatly turned down even though it is important the inquiry is conducted by persons who could command confidence and trust from the family.

On Day Two of the meeting of the inquiry committee, the officers have sent an invitation to me and other relatives of the deceased asking us to participate, but I refused to do so since I had no trust in the process and did not believe the inquiry committee set up by the state was independent and able to work straightforwardly to uncover the truth. I thought, to ensure justice, it must begin with the acknowledgement of the reality. There have been many lessons learned from previous incidences in the Deep South including the Tak Bai incidence, the torture of Imam Yapha Kaseng, the unprovoked firing at villagers who were on the way back from a funeral at Ban Pulo Puyo and the death in custody of Mr. Sulaiman Nasae. It reflects the constraints of the state mechanisms and how such mechanisms lack independence and have failed to bring justice to the victims and society as a whole. I therefore refused to participate in the meeting of the inquiry committee until the UN mechanism is invited to take part in fathoming the truth.

On 16 December 2015, when the result of the body examination of my husband was announced at the Hat Yai Hospital. The physician said the cause of death could not be determined. I and other relatives were overwhelmingly disappointed since there were so many doubts about the death of my husband including that his death occurred in a holding cell and his last appearance.

(1) He lied down with hands contracted as if he had been subjected to stimulation by some device. In a normal circumstance, when a person dies, the muscles should get loose and the hands should

lay low. (2) The prayer mat (*sue da jao*) under the body looked crooked as if it had been tugged. (3) On his body, bloodstains could be found though the physician was unable to determine if the blood belonged to anybody since there were no wounds found on the body. (4) On the last day he lied dead, he appeared to wear two shirts with the inner one a white t-shirt and outer one a buttoned-up long-sleeved shirt. Habitually, my husband had never worn two shirts at the same time. I and the relatives assumed that he was brought into the room for questioning and was tortured to death. Then, they put on him the shirts and arranged his posture to pretend he had died of a natural cause. The physician told me his death should happen around 02-4.00am, during which time, he was subjected to the interrogation of the officers. The information was contrary to what the military said that he died around the morning prayer time, at 05.30am.

This case shows how Thailand's justice process fails to provide justice in any cases. The setup of the inquiry committee has been set up with limited power and has to work through an unaccountable process without any consultation or input from the relatives of the deceased. As the wife of the deceased, I urge that international mechanisms including the UN should be part of the effort to investigate the death to ensure justice

Yours sincerely,

Mrs. Kurosmao Tuwaebusa  
(Wife of the deceased)

### **Testimony of another detainee in Ingkhayuth Camp**

This detainee did not want to give his name but he is willing to share his experience in Ingkhayuth between 9 Nov. – 4 Dec 2015.

He was arrested once on 2009.

Later in 2013, he detained in Task force 41 Wangpraya for 7 days.

#### Incident in 2015

“I arrested again on 9 Nov 2015 at around 16.00, military and police officers around 50 officers came to my office and surrounded. Till 23.00, then I was transferred to Ingkhayuth camp in Pattani.

After that I was sent to a very cold room in a two stories house. The room closed and I only can hear the sound of the air conditioning. The interrogator started to ask questions. I have not allowed to rest then I was forced to take all my clothes off not even with my underpants.

A bit later, one of the officers brought another detainee to see me. I did not know him before. Then they started to physically abuse me by hit and slap and asking me to lay down on the floor. Another officers press his foot on my back and forced me to confess that I was the armed inventory officer working in Pattani area. I also gave an oath that I would join the independent movement.

I denied all the accusations and said that I did not know the detainee that the officers asked him to point at me. Then the officer slapped on my face 3 times. On that first night I was under 5 hours interrogation.

During 10-12 Nov 2015, in the morning of 10 Nov, my wife could only visiting me via video conference for 10 mins. Then I was taken to the cold room again. During that time, there were 5 interrogators, it was very stressful. They forced me to confess. My wife and my children were

arrested and detained as well. I was detained in a cold room for 2 days 2 nights and could not eat or drink. they used some clothes tied their hands and punched me in my stomach then they used plastic bag covering my head till I was unconscious. When I wake up again I could see so many officers came to see me.

Then they started to interrogate me again. They tried to link me with the bombing in Samui and Lee-Garden (Hadyai) including another bombing which I was not sure where. I lost my concentration/conscious. I could not move my jaw as it was too cold. I could not swollen. I could not pray. Then I confessed as I could not stand any longer during the torture sessions. I was so weak and could not stand up by myself. After the confession, they sent me back to the room.

On 13 Nov. 2015 at 13.30, the interrogator invited me once more time to sign in the documents. After confession, they did not hurt me anymore but still use verbal threat and intimidated me such as he would make me like a pig, you killed my friend.

On 8 Dec 2015, I was transferred to Pattani Provincial Court.

After I returned home from detention for 20 days now, I am still under stressfulness. I could not work, I have no energy to work. I could not stand for a long time. I am living in fear. Many times if there is some cars in front of my house I would be afraid. I learnt that another person was interrogated in the Ingkhayuth camp and now he was mad. He almost jumped from the two stories building and he never became normal again.

#### Relationship with the detainee who died in Ingkhayuth camp

I did not know him before but his room is not far from mine. I walked pass his room and the lock was from outside by metal chain. There were window with metal bars. All the room were locked from outside accept when relatives visiting time and during the interrogation the room were not locked.

I have a chance to speak to Mr. Abduldayib Dolah. Mr. AD said he was under tough session. But I did not know exactly how. He also did not explain. I can see that he was very stressful. I never saw him laugh even once.

On 1 Dec 2015, at 9.00, the officers brought me with another detainee to sign in the documents. I signed the document. But I learnt later that he did not sign in the document later we found that he died in the custody on 4 Dec 2015.

I saw him first that morning. He wore a white T-shirt wearing Slong. Then I called the officers to come and see. When I first saw him I thought it might because he did not sign the documents.

I think the detainees in Ingkhayuth 99% were tortured. I learnt that Mr. Wae-a-sae was also tortured till he got mad and could not talk or remember anything.

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Annex II

Testimony

He was born in 1983, detained from 4May 15 - 4June 15 at the Ingkhayutthaborihan Military Camp, Pattani, and then remanded in custody at the Pattani Provincial Prison until 2 December 15

“The night of 4May 15, around midnight, while I was working to fit in the roofing, which I often do at night since it gets cooler then, at first, I did not notice that some officers were lurking around there. Their presence did not alert me and I thought they were there just for normal patrol. After working for a while, I went to bed. Early morning, the rangers, army officers and police officers laid siege around my home, around 05.00am while I was asleep. Sound of gunshots woke me up and I was still not aware of the exchange of gunfire. Around 06.00 am, the Village Headman came to call me out of my home threatening that if I did not come out, the army officers would fire into my home.

Upon hearing the shout of the Village Headman, I was so scared and panic. I had no idea why they cordoned me off. I was so consumed by fear and decided to get outside and was then apprehended. The officer asked where I had been. I said I had gone to work. Then, they physically abused me by slapping me in my face over ten times hitting and kicking me as well. I was brought to the back of my home and the ranger told me that “I would shoot you down here, don’t speak much”. But I resisted to go with them fearing that they would shoot me down. I decided to shout for the Village Headman. Eventually, the (military) officers did not get me there, but I was taken to the Pattani Police Station. The officer had my fingers printed and DNA sample collected.

Around 17.00, I was taken to the Ingkhayutthaborihan Military Camp, Tambon Borthong, Pattani. On the first day, my younger brother came to visit me, but he was denied the visit. On the second day, he was allowed to visit me. I told him what happened. I was taken by the officer to the questioning center and was given coffee and food. But I said I did not want to take it. They threatened to slap and hit me again making me feel so scared. They then asked me “Do you know that you are wanted by a warrant”. I said no. Then, they hit me in the head and dragged me into a room and asked “did you do Zupoh) give an oath to the movement) ?” I asked them what Zupoh was. They slapped me in my face and hit in my head and then asked if I knew anyone in the photos. When I said no, they put a gun to my head and continued asking until it got dark. They pressured me to give them the answers, until I missed the prayer times and did not get to rest.

Around 02.50, I was taken back to my cell and felt so scared with the questioning of the officers. They even threatened to shoot my family. On the second day, I was taken for questioning again, similar to the first day. If I refused to answer, they would kick me, hit me, and I was not allowed to say prayer They asked why would I want to pray, what was it meant for and treated me like dogs.

Then, they continued questioning me until it got late in the evening and I was brought into a dark room with my hands and feet cuffed. I continued to refuse to answer their questions. Around 02.00am, I was brought back to my cell. When I was about to get asleep, they woke me up to ask me questions. I did not even have the time to pray. On the third day, I was brought to the questioning again and one military officer asked me to confess to everything. He asked me to sign my name threatening that if I refused to sign, they would add more charges on me and to harm my family. Then, three more officers came in, had my hands and feet tied up and held a taser over to threaten me. They tasered me until I passed out. I woke up in the morning to find they poured water on my head and continued asking me if I knew the persons in the photos. When I said no, they would beat me up again.

I was subjected to the assault so severe that I felt dizzy and exhausted. Also because they did not let me rest. I was so terrified by the treatment of the officers. On the fourth day, my younger brother came to see me again, though I dared not tell him what happened. Both were silent. Then, I was brought back to my cell. The officer accused me of doing it, but I said no, I did not, I had nothing to do with it. They started to kick me and slap me in my face. They continued to ask me the same question, though I said no. Then, a military officer was instructed to wrap my head in a garbage bag. Then they said if I did not say it, they would kill me. I said I had nothing to do with it. Then, they put the plastic bag on my head trying to suffocate me. I screamed and when I was nearly running out of breath, they removed the bag. They did it until I pleaded to them not to do it again. I was so dreaded. Then, they brought me back to my cell. In the morning, they came to take me and asked me the same question. I was mistreated again.

Around 21.00, they had me dipped in a swamp in a fish pond and had to remain there until the morning. Then, they showed me photos and asked where those people in the photos were and how I came to know them. They showed me many photos, though I continued to say I knew none of them and they would physically assaulted me again. The officers got so mad at me. They were so angry that I did not cooperate. They took me to a room and undressed me. Then, they turned the air-conditioner on so strongly. I felt so chilly and cold, and suffered a bad headache. Then, they put me on my clothes and told me if I did not say anything, they would do this to me again. No one could help me and only they could. They asked me to cooperate. I said I wanted to cooperate, but I really knew nothing about what they said. They did not believe me accusing me of lying to them. They booted me and stepped on my chest causing it difficult for me to breathe. I was so terrified.

The next day, they said if I continued to say nothing, they would have me killed. I was seeing they were getting prepared to do that taking on their gears and vests, fitting up the guns. They handed me several pieces of paper and had me fingerprinted. Then, they put their gun to my head and threatened that I have to sign the paper. I did sign it the day after and they brought me for medical checkup and then to the Yarang Police Station. I was remanded in custody for 84 days in the prison before being discharged. Then, the police from Ban Srong came to lay new charges on me and decided to not prosecute them. I was allowed to return home on 2 December 2016 for the first time since I was held in custody”

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### Annex III

#### **Analysis of Psychological Trauma Scales**

Between 2011 and 2013, Physicians for Human Rights (PHR) adapted a version of the Istanbul Protocol for use in southern Thailand. The effort to document torture was led by Thailand Cross Cultural Foundation (CCRF) and the tool was administered by human rights groups to gather case information on allegations of torture that occurred between 2004 and 2013.

The Istanbul Protocol is the gold standard for assessing the validity of torture allegations and, among other components, also assesses the psychological consequences of torture experiences using two, internationally-recognized measures of psychological distress; the Hopkins Symptom Checklist -25 (HSCL-25) and the Harvard Trauma Questionnaire (HTQ). The HSCL-25 consists of an anxiety and depression subscale which are scored to measure severe emotional distress (total score) and major depression (items 11-25). The HTQ measures posttraumatic stress disorder

(PTSD). The checklist consists of 30 trauma symptoms. The first 16 are derived from the diagnostic description of PTSD and the remaining 14 items were developed to capture symptoms specific to survivors of severe violence. PHR adapted the latter part of the checklist to include 14, culturally-specific items for Thailand. The assessment also included a social functioning scale to assess how symptoms affected daily living.

The measures are ordinal and use a Likert scales (1= not at all, 2=a little, 3=quite a bit, 4=extremely) to score participants' responses. The measures provide clinical cutoff scores to indicate the threshold for significant levels of psychological distress.

To date, 79 of the 92 cases have been inputted into the Statistical Package for Social Sciences for analysis. A summary of the initial descriptive findings are included below.

Means and Standard Deviation Measures of Psychological Distress						
	Hopkins Anxiety	Hopkins Depression	Hopkins Severe distress	Harvard PTSD	Additional PTSD Harvard	Social Functioning
Mean	2.32	2	2.14	2.26	2.07	2.52
Std. Deviation	0.78	0.73	0.71	0.67	0.64	0.83
N =	77	77	77	77	77	77

2 cases missing data

The mean for the depression subscale and total score (severe emotional distress) on the HSCL-25 was significantly above the clinical cutoff score of 1.75. Indeed, 58 percent of cases reviewed had scores suggesting major depression and 77 percent had scores indicating severe emotional distress.

Cutoff scores for determining PTSD on the HTQ is intended to be culturally specific, and determined according to initial pilot testing of the measure. Research on Tibetan refugees, for example, used a score greater than 1.9 to indicate significant PTSD. Other research on Cambodian refugees used a score greater than 2.25 as the cutoff point for PTSD. While no sensitivity analysis were not determined by PHR, we can use those studies to frame the analysis of the Thai cases. At least 40 percent had scores greater than 1.90 and 20 percent had scores greater than 2.25 indicating that the client met full criteria for posttraumatic stress disorder.

These preliminary findings suggest that there was significant psychological distress resulting from torture experiences and that this distress also tended to persist over many years. Among the cases reviewed, the assessments were conducted between one and seven years following the original torture experiences. This seems particularly true as it relates to long-term depression and impairment in daily and social functioning. These findings are consistent with research conducted with other torture survivor communities and highlight the need for specialized services to address distress and impairment.

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