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THAILAND: COURT DELIVERS DISAPPOINTING POST-MORTEM INQUEST FINDINGS IN TAK BAI INCIDENT

"The ICJ is disappointed at the verdict delivered today by the Songkhla Provincial Court, which found that the 78 men who were transported from Tak Bai to Ingkayuthaborihaan Army Camp in October 2004 died as a result of suffocation, without acknowledging all the factual circumstances that caused their deaths," said Roger Normand, Asia-Pacific Director of the International Commission of Jurists (ICJ).

According to evidence presented to the Court, after the break up of a large public demonstration on 24 October 2004 at the Tak Bai Police Station, 1,292 men were detained and piled on top of each other in army trucks with their arms tied behind their backs, and in that condition were transported for approximately 150 kilometres to Ingkayuthaborihaan Army Camp. When the men were unloaded from the trucks several hours later, 78 were found dead.

Under the required procedure for the post-mortem inquest, the Court was obligated to examine the cause and circumstances of death and issue findings as to the roles of alleged offenders. Section 150 of the Thai Criminal Procedure Code provides, in pertinent part:

" ... apply by motion to the Court of First Instance ... for an examination and order as to who the deceased was, the place, time, cause and circumstances of such death, if death was caused by the act of any person, it shall be stated, as far as it could be ascertained, who was the alleged person who caused the injury ... "

While remaining silent on critical details of the cause of death, the Court appears to justify the necessity of actions by the responsible police and military officials:

"Considering the hectic situation and emergency on the day; considering that there were more than 1,000 demonstrators gathered in the compound of the Tak Bai police station which has limited space and given that the crime scene took place near the Thaksin Ratchaniwet Palace; and considering that the suppression of the demonstration was only completed towards the evening and that it was not possible to acquire more trucks to transport the demonstrators to Ingkayuthaborihaan; and considering that it is a long distance between the Tak Bai police station and Ingkayuthaborihaan; and considering that the climate was not favourable for the transportation and there were obstacles on the road; therefore if the transportation of the demonstrators had not taken place, the situation would have been exacerbated, and would have led to unexpected results." (unofficial English translation)

"Given the Government's public commitment to ensure that justice is served in key cases involving alleged human rights violations in the Deep South, the Court's decision is surprising and troubling," said Roger Normand. "The ICJ calls upon the Government to carry out a speedy, impartial and independent investigation into the potential criminal liability of all persons, including commanding officers, involved in the detention, transport, unloading and subsequent deaths of the 78 men." (ENDS)

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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