

Killing a Lahu: Extrajudicial and judicial killings in Thailand - Ethnic minority communities' rights, military and racially intolerant mentality

Friday 7 April 2017, by [DRAPER John](#), [Kongpob Areerat](#) (Date first published: 6 April 2017).



Chaiyapoom Pasae, a 17-year-old member of the Lahu ethnic minority

"The trigger gave; I felt the smooth underside of the butt; and there, in that noise, sharp and deafening at the same time, is where it all started. I shook off the sweat and the sun. I knew that I had shattered the harmony of the day...", Albert Camus, L'Étranger.

On March 17, Chaiyapoom Pasae, an ethnic Lahu human rights activist and folk singer, was shot dead by a soldier at a checkpoint in Chiang Mai. This followed the earlier, almost identical killing of a member of an ethnic Lisu, Abea Sea-moo, on February 15 in the same district. By definition an extrajudicial killing, and subject to ongoing police and military investigations to see if the soldier was justified by acting in self-defense, the likelihood of Chaiyapoom's death on that day was likely exacerbated by three factors: Prime Minister Prayut Chan-o-cha's granting of police powers to the Royal Thai Army, Thailand's extremely high levels of racial intolerance, and the country's maintenance of the death penalty.

There is no doubt that there is a severe problem with drugs in Thailand's mountainous North and that Lahu and Lisu communities are at the center of an international highway of traffickers operating between India and China. Drugs, mainly amphetamines, are manufactured in Myanmar then cross the border via Lahu and Lisu communities, to be sold into Thai networks and to foreigners, including tourists. At schools like Ban Payang School in Mae Na Taeng village in Mae Hong Son's Pai district, children face the problems of drug trafficking and drug abuse, with side effects including teen pregnancies and the most serious problem being parents jailed on drug charges.

This sorry situation can result in half the children residing at their schools in some ethnic community areas. However, the quality of the schools' infrastructures is poor, with insufficient classrooms and dilapidated buildings and a lack of equipment being major problems. As well as heavy investment in education, communities need to see state-sponsored occupational retraining to integrate people into society and provide them with jobs.

Providing the armed forces with police powers, as General Prayut Chan-o-cha did via Section 44 on March 30, 2016, has unfortunately transformed a military primarily trained to kill to defend the state from external attack into a force meant to maintain law and order. The professional mentalities of the military and the police are, or at least should be, different, with the former governed by the rules of war and codes of conduct and the latter by the rule of law, smoothly interfacing with the judiciary. Moreover, General Prayut's order effectively states that all deputized military acting in good faith shall not face disciplinary measures, which would appear to provide both a means of sidestepping any responsibility for an extrajudicial killing and of encouraging a culture of impunity.

Unfortunately, a military mindset at its heart tends to emphasize one specific end- terminating a threat. As 3rd Region Army chief Vijak Sriribunsop said, "Firing one shot at him was reasonable. If it were me, I might have put the [machine gun] on automatic mode." It is this mindset which largely doomed the US occupation of Iraq and which continues to haunt the Thai military's attempts to bring peace in the Deep South. It is rare indeed that a military force smoothly functions alongside or as a police force, exceptions being the US Marines in Iraq and British military presences in Malaysia and Northern Ireland. And, in the case of the Thai military, it is clear a mentality exists that can only blur the line between reactive, defensive killings and proactive killings of those deemed potential enemies of the state [1], a mentality which over the years has led to documented cases of approximately ten missing Lahu and dozens of others belonging to ethnic minority communities due to state-enforced disappearances [2]. Within this context, the very term 'war on drugs' is problematic as it further legitimizes state killings. No need to look farther than President Rodrigo Duterte of the Philippines for an example.

The second complicating factor is that Thais are extremely racially intolerant of other ethnic groups. This intolerance stems from largely historical reasons, such as Chinese mass migration, a history of warfare with the Lao, Khmer, and Burmese, and propaganda generated before and during World War II against the French, British, and Americans. In three questions on the World Values Survey (WVS) on what kind of people Thais would not like to have as neighbors, Thais scored in the lowest ten percent for people of a different race, and immigrants and foreign workers, and in the lowest 20 percent for people who speak a different language. Further, in a fourth question, Thais scored in the lowest ten percent for whether they trust people of another nationality. Averaging the results of all four questions, Thais are the most racially intolerant people in the dataset. Worse, the average Thai has become significantly more racially intolerant between 2007, just after Thailand's coup of 2006 initiated an authoritarian turn, and 2015.

The WVS data only covers approximately 58 states and territories. However, the picture worsens as the dataset expands. Combining WVS data with available data for additional countries from the European Values Survey, Thailand ranks 87th out of 89 for racial intolerance, with only Northern Cyprus, a heavily contested territory involving Greece and Turkey, and Libya, presently suffering rampant inter-ethnic warfare, being more racist and xenophobic. With racial intolerance being built into the mindset and values of some Thais due to historical factors and as a result of increasing authoritarianism, it is unsurprising that a soldier may be more likely to proactively kill an ethnic Lahu, often seen as not being 'real Thais'.

The third complicating factor is Thailand's continued reliance on the death penalty. The interactions between states' maintaining the death penalty and extra-judicial killings is an ongoing area of research and concern, with there being a dedicated United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Thailand is one of many Asian countries to maintain low judicial killings with high extra-judicial killings, notably in the case of over 2,500 victims in Thaksin's 'war on drugs', dozens of Thai Malays in the Deep South, and dozens of other ethnic minorities, especially the Lahu and Karen uplands ethnic communities. Also, in the case of the May 2010 protests, where the main victims were also from ethnic minorities, predominantly Thai Lao. In

a country with low rule of law which also maintains the death penalty, a soldier may be more likely to pull the trigger than in a country where there is no death penalty.

Thailand's continuation of a mentality which can only encourage extrajudicial killings is now an anachronism. It is in the moral minority in maintaining the death penalty as a 'deterrent'. The majority of the world's countries (103), have, over time, abolished the death penalty. In a further six countries, the death penalty is only retained for exceptional circumstances, such as war crimes. In another 30 countries, the death penalty is retained in theory, but no executions have occurred within the last decade.

Thailand is therefore one of only 58 countries to retain the death penalty, most of which are majority Muslim countries. Only one Western country, the US, still practices capital punishment. In ASEAN, the majority Buddhist country of Cambodia and the majority Christian country of the Philippines have abolished the death penalty, and the majority Buddhist Myanmar and Laos effectively do not implement the death penalty. Only Indonesia and Singapore regularly implement the death penalty, with the state of Indonesia killing 14 people in 2016, all for drug trafficking, and Singapore killing four. Vietnam also probably regularly executes people, and there is little information from Malaysia.

Thailand occupies a grey area for the death penalty. Since 2009 the state has not legally executed anyone. According to a 2013 survey, a minority of Thais, 41%, want to retain execution, mainly as a deterrent against murder and rape, with 8% wanting it scrapped and the rest being undecided. Thais have historically also supported extrajudicial killings, with 90% supporting Thaksin's war on drugs, though 40% also feared being falsely accused and 30% reported fearing being killed. This reflects a deep ambivalence towards state killings in some Asian countries, which, according to Professor Julia Eckert of the Max Planck Institute for Social Anthropology [3], is both a "symptom of state crisis" and "longed for as rescue from that very decay", as in the Philippines.

This grey area within which extrajudicial killings take place also contrasts with the high religiosity which most Thais report in surveys, most noticeably the majority of Thais reporting being reasonably devout Buddhists. The position of the death penalty in Theravada Buddhism is contested, but on face value, the first precept would appear to dissuade killing. Thus, the Sutta to Cunda the Silversmith states, "And how is one made impure... by bodily action? There is the case where a certain person takes life, is a hunter, bloody-handed, devoted to killing and slaying, showing no mercy to living beings." Furthermore, on state-backed executions, the Kutadanta Sutta argues against eliminating of a plague of robbers by executions and imprisonment, instead arguing for a wealth redistribution programme which would stimulate the economy and reduce social evils.

Similarly, the Cakkavatti Sihanada Sutta portrays a dynasty of kings ruling by justice, including the typical Buddhist trait of providing property to the needy. A king appears who does not act in this time-honored fashion, leading to poverty and theft. He tries to eliminate theft by executions. That, however, leads by example to an epidemic of violence and general social disintegration to a brutal and brutish state; all as a result of not giving property to the needy. A few people decide to abstain from taking life, and from this small core of pacifists human civilization is restored — culminating in the arrival of the Buddha Maitreya.

Buddhist ethics is fundamentally inimical to killing. It is grounded in the notion of a cosmic order that is disrupted by certain actions (killing, stealing etc.) and then repairs itself via the law of kamma. The very fabric of being is sustained by human beings, through acts of mutual generosity and care. Killing a human being rends the very fabric of being which, in due time, returns upon the killer in the process of healing itself [4]. It may be that in executing a murderer the state fulfills the kamma of the murder. But in doing so it again rends the fabric of being and initiates a kammic dynamic that will be visited upon the killers of the killer. It is better that the murderer be imprisoned

to prevent repeated killing. Kamma will contribute to his death and time in hell without any help.

This column questions who the killer is in an extrajudicial killing. Given the military mindset, the racial intolerance, and the maintenance of state executions, Thailand's 'war on drugs' becomes problematic as any declaration of 'war' legitimizes proactive killings as alternative means of execution. The legislators and judges who maintain the death penalty, the soldier, the military, the police, and General Prayuth himself are all implicated. In a sense, we are all implicated, for under authoritarianism, extrajudicial killings occur in our name, without the moderating effects of democratic institutions. Ultimately, Thai society needs to follow the age-old advice of the sutras and implement a wealth redistribution programme to empower the uplands minorities in their fight against drugs and improve the likelihood of their coordinating with the state. It also needs to stop killing its ethnic minorities, reducing the rampant ethnocentrism and the right-wing authoritarianism that feeds it.

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<http://prachatai.org/english/node/7061?utm>

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* Note: A shorter version of this column, co-authored with Dr. Peerasit Kamnuansilpa, appeared in the Bangkok Post of April 5, 2017, and is available at this link, where comments can be made:

<http://www.bangkokpost.com/opinion/opinion/1227316/the-army-and-extrajudicial-killings>

Culture of impunity at root of summary killing of Lahu activist

Behind the summary killing of a young ethnic minority rights activist lies a deep-rooted culture of impunity and discrimination against ethnic minorities long stigmatised as drug traffickers.

On 17 March 2017, the promising life of Chaiyapoom Pasae, a 17-year-old member of the Lahu ethnic minority, was cut short when soldiers and other security officers of the Pha Muang Task Force deployed at a checkpoint in Chiang Dao District in Chiang Mai Province summarily killed him.

Chaiyapoom was a well-known activist from the Young Seedlings Network Camp in Chiang Dao district. He was involved in numerous campaigns to promote the rights of ethnic Lahu and other vulnerable ethnic minorities in northern Thailand to gain citizenship, health care, and access to education. He also spoke out against abuses by the Thai security forces against his community during anti-drug operations. He was also a producer of documentaries and a composer of music. Several of his short films, including 'A Comb and a Buckle,' were shown on the Thai PBS channel.

Col Winthai Suvaree, spokesperson of the National Council for Peace and Order (NCPO), said the act of killing was necessary, backing up a police statement that the soldier who shot Chaiyapoom acted in self-defence after 2,800 methamphetamine pills were allegedly found hidden in a car Chaiyapoom was riding in.

Commenting on the incident, Brad Adams [5], Asia Director of Human Rights Watch, said “abusive officials have long used anti-drug operations to cover their attacks on activists who exposed official wrongdoing or defended minority rights. Ethnic minorities in Thailand will never have full equality so long as those acting on their behalf face grave risks every day and killings such as this are not investigated properly.”

Doubts

After the killing, authorities quickly defended the soldier who shot Chaiyapoom. The army report alleges that Chaiyapoom tried to break away from custody after soldiers arrested him and Pongsanai Saengtala, 19, the driver of the car in which the authorities allegedly found 2,800 methamphetamine pills.

After the young activist hid in a nearby bush and attempted to throw a grenade at the soldiers who followed him, one of the soldiers shot him dead with a single shot in self defence, the NCPO spokesperson told the press.

Currently Pongsanai, who directly witnessed the incident, is detained at Chiang Mai Prison. The court demanded two million baht as surety for the bail request from his family, who did not have enough money.

But in an interview that Thai PBS broadcasted on 21 March 2017 [6], an anonymous source said several other civilians saw the incident, adding that three gunshots were heard before Chaiyapoom was killed. “Many villagers saw that he was dragged out of the car and beaten. [A soldier] put a foot on his face and fired two shots to intimidate him. When [Chaiyapoom] broke free from the beating and ran, the soldier shot him. They did not allow the villagers to approach the site,” the Thai PBS quoted the anonymous witness as saying.

Chainarong Sretthachau, an academic from Maha Sarakham University, wrote on his Facebook account [7] that Chaiyapoom was killed at a permanent checkpoint that drug traffickers would probably avoid. It would not make much sense for Chaiyapoom and Pongsanai to choose to take that route if they were trafficking drugs.

Recurring nightmares

Although the summary killing of a young Lahu ethnic activist has sparked public outcry, the incident is not rare, but is the latest recurring nightmare which has cast a shadow over the Lahu community for more than a decade.

Sila Jahae, President of the Lahu Association, who has been active in fighting for justice for the Lahu and other hill tribes, told Prachatai that although about 90 per cent of approximately 120,000-150,000 Lahu have Thai citizenship and more than half can speak Thai, they are still viewed by the Thai authorities as foreigners.

The perception of Lahu people and other hill tribes as ‘others’ coupled with unfair stereotypes that the Lahu and many hill minorities are opium farmers, forest encroachers, and narcotics traffickers, leads to unfair treatment from the Thai authorities, Sila pointed out.

According to the Cross Cultural Foundation (CrCF) [8], the killing recalls the case of Abea Sea-moo, 32, from a Lisu hill tribe, who was summarily killed on 15 February 2017 by soldiers in Chiang Dao District of Chiang Mai. The soldiers claimed that Abea tried to throw a grenade at them after he was arrested under drug suspicion.

On 25 November 2014, soldiers arrested Jako Ja-mea and charged him with possessing narcotic

substances after they reportedly found illicit drugs around his farm and house. The officers reported that a spy told them that Jako possessed illegal drugs and was involved in a drug trafficking ring with two other Lahu in Tha Ton Subdistrict of Mae Ai District in Chiang Mai.

According to the Peace Foundation, a civil society group which has been providing legal assistance to many Lahu and other ethnic minorities in Chiang Mai and Chiang Rai, however, there are many inconsistencies in the report of Jako's arrest.

The Foundation pointed out that the authorities did not record the name of the 'spy' who made the accusations against Jako. Moreover, the officers mentioned in the file that three Lahu tribesmen are involved, but one of the suspects was released on the day of the arrest. The Foundation added that contrary to the case file, which states that 2000 narcotic pills were found in a hole next to a corn field of the suspect and another 60 pills next to Jako's house adjacent to a village creek, the footage evidence shows that there is no corn field in the area and that the house of the suspect is nowhere near the creek.

Nadao Aimu, Jako's wife, maintains that her husband is innocent. She said that the authorities and another Lahu tribesman who owes her husband money planted drugs on Jako. Speaking in Lahu, Nadao added that the officers also hit Jako's head with batons to the point that he lost consciousness and claimed that they had to do so to prevent his escape. Jako is still in custody.

Earlier in 2013, police arrested Thongchat Panpakarin, a Lahu man, when he was driving home in Fang District of Chiang Mai from a festival with four other Lahu, five Hmong, and two Lisu tribesmen and took them to the Narcotics Control Board district centre where they were interrogated and later informed that they were charged with drug trafficking.

"The narcotics control officers detained us there for two days. They asked me if I knew the guys from other tribes whom I offered a free ride to and when I said I didn't know them before, they repeatedly hit and electrocuted us," said Thongchat. "They put plastic bags over our heads and punched us; when we were about to faint from suffocation, they removed the bags and questioned us all over again."

Thongchat and his four fellow Lahu, who always pleaded innocent, were acquitted after being held in the remand prison for a year and nine months.

"There was no apology. My family had to spend a lot of money to go visit me in Bangkok and my daughter's pickup truck was confiscated for 11 months, but there is no compensation whatsoever from the authorities," said Thongchat.

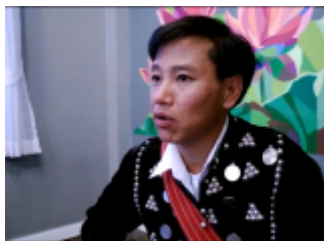
Justice yet to be answered

During the notorious war on drugs initiated during Thaksin Shinawatra's administration in 2003, at least 2,500 drug suspects were killed extrajudicially and many more alleged that they were tortured by paramilitary troops or police officers. At that time many Lahu and other hill tribes suffered torture, summary executions, and enforced disappearances.

Sila was also one of Lahu tribesmen who suffered such fate. In 2003, the Rangers put him and other Lahu tribesmen in holes 2-3 metres wide and four metres deep in a Ranger camp in Fang District in Chiang Mai. At the detention facility, they were repeatedly brought up from the holes for interrogation and beaten, threatened with execution, or electrocuted.

"We urinated and excreted in the detention hole." Sila recounted his trauma. "Sometimes the officers would kick and use their rifles to hit 8-10 detainees who were loaded into each tiny hole."

There were three holes all together,” said of Chairman of the Lahu Association.



Sila Jahae, the President of the Lahu Association who has been active in fighting for justice for the Lahu and other hill minorities. He himself suffered from torture and arbitrary detention in the hands of state authorities in 2003

Although it has been more than a decade since the war on drug was scrapped, not a single police officer has been prosecuted or arrested. Crimes conducted by state officials against Lahu and other ethnic minorities during and after the war on drugs show how deeply rooted the culture of impunity in Thai society is.

Part of the reason is the lack of any law which could criminalises torture and enforced disappearance. In fact, some officers who committed these crimes have been promoted while civilians who spoke out were punished.

In May 2016, the military in Deep Southern Thailand filed complaints against three human rights defenders. They were accused of defaming the military for publishing a report that year on the torture of ethnic Muslim Malays in the Deep South in 2014 and 2015.

The report described at least 18 cases of alleged torture and ill-treatment since 22 May 2014, when Gen Prayut Chan-o-cha staged a coup d'état. In 2015 alone, there were 15 recorded cases, on top of a total of 17 recorded in 2014. This was a dramatic rise compared to previous years which saw seven cases in 2013, two in 2011, and three in 2010 (no information is available for 2012).

On 7 March 2017, the military, however, dropped charges against the three and stated that a joint committee would be set up to verify accusations of human rights violations in the region and to come up with mechanisms and frameworks to prevent abuses of human rights.

After years of campaigning and lobbying by human rights groups, on 28 February 2017 the UN's Office of the High Commissioner for Human Rights announced that it had been informed that the junta-appointed lawmakers had dropped a bill to criminalise torture and enforced disappearance.

The now suspended bill was the first law to recognise and criminalise torture and enforced disappearance by the Thai authorities even in cases where the body of the victim is missing. The Justice Ministry submitted the bill to the NLA in 2016, after Thailand ratified the UN convention against torture in 2007 and signed the convention against enforced disappearance in 2012.

According to an Amnesty International statement in 2016, the Thai junta has allowed a “culture of torture” to flourish since the 2014 coup d'état, as many political dissidents detained by the authorities claimed that they suffered from beatings, smothering with plastic bags, waterboarding and being electrocuted.

The recent suspension of the bill criminalizing torture and enforced disappearance allows the authorities to continue to get away with their crimes, and it is unlikely that the death of the promising Lahu activist will be the last.

Kongpob Areerat

'A Comb and a Buckle' a short film produced by Chaiyapoom to promote the rights of ethnic minorities in Thailand which was shown on the Thai PBS channel [see video on the original article).

* Prachatai. Posted: Wed, 22/03/2017 - 14:50:

<http://prachatai.org/english/node/7020>

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Footnotes

[1] <http://www.lassnet.org/2009/readings/johnson08judicial-extra-judicial-killings.pdf>

[2] http://justiceforpeace.org/wp-content/uploads/2012/06/Enforced_Disappearances_in_Thailand_03.pdf

[3] https://www.jstor.org/stable/43645551?seq=1#page_scan_tab_contents

[4] <http://blogs.dickinson.edu/buddhistethics/files/2014/03/Evans-Nikaayan-Ethics-final.pdf>

[5] <https://www.hrw.org/news/2017/03/20/thailand-investigate-army-killing-teenage-activist>

[6] <https://www.facebook.com/exthaipbs/videos/651294581720762/>

[7] <https://www.facebook.com/photo.php?fbid=1360070460706489&set=a.469300669783477.103528.100001106434038&type=3&theater>

[8] <http://prachatai.org/journal/2017/03/70669>