



RESEARCH REPORT

# “I Just Want to Live in Peace”

*Participatory Action Research on Strengthening Peace and Accountability  
for Conflict and Atrocities in Thailand*



Funded by  
the European Union





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Stone and Flower Activity in Ubon Ratchathani 25 July 2022.

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# List of Abbreviations

<b>AJAR</b>	Asia Justice and Rights
<b>CrCF</b>	Cross Cultural Foundation
<b>PAR</b>	Participatory Action Research
<b>CSO</b>	Civil Society Organisation
<b>CSCD</b>	Center for Conflict Studies and Cultural Diversity
<b>SBPs</b>	Southern Border Provinces
<b>SBPAC</b>	Southern Border Provinces Administrative Center
<b>BRN</b>	Barisan Revolusi Nasional
<b>MFP</b>	Move Forward Party
<b>ISOC</b>	Internal Security Operations Command
<b>NCPO</b>	National Council for Peace and Order
<b>JCCP</b>	Joint Comprehensive Plan towards Peace
<b>UDD</b>	United Front for Democracy Against Dictatorship
<b>PAD</b>	People's Alliance for Democracy
<b>PDRC</b>	People's Democratic Reform Committee

# Who We Are

**Cross Cultural Foundation (CrCF)** is a human rights organisation established to work on transitional justice and the monitoring and promotion of human rights in Thailand. CrCF works directly with political activists, human rights defenders and marginalised communities advocating for accountability in cases of violent extremism, torture, and enforced disappearances. This includes providing legal assistance, documenting atrocities, conducting research and building capacity in Thailand, in particular in the conflict areas of the Southern Border Provinces or the 'Deep South'.

**Duayjai Group** is a local women-led organisation in Southern Thailand that has been documenting human rights violations and providing rehabilitation for victims of torture. It is also engaging in the ongoing Southern Border Province (SBPs) peace process, including through the development of research on gender and reparations.

**Asia Justice and Rights (AJAR)** is a regional human rights organisation that works to increase the capacity of local and national actors, in particular victims, victims' groups and local civil society organisations (CSOs) in the fight against entrenched impunity. This work focuses on conflict transformation, human rights documentation, education and the development of strong south-south connections across the Asia-Pacific region.

**Transitional Justice Asia Network (TJAN)** a regional hub of transitional justice experts which aims to facilitate learning and knowledge-building on transitional justice and accountability initiatives across Asia and the Pacific. The network was established in February 2017 consisting of member organisations across the region. TJAN works in Bangladesh, Indonesia, Myanmar, the Philippines, South Korea, Timor-Leste and Thailand.

As members of TJAN, AJAR and CrCF have been working to build the capacity of civil society. In October 2023, at least 25 academics, activists and lawyers from Thailand created TJAN-Thailand. TJAN has been able to ensure that transitional justice approaches remain relevant in the debate for Thailand's future and the peace process in the Deep South, including through the recent Parliamentary Committee on Peacebuilding, which includes TJAN-Thailand members Anchana Heemmina, Romadon Panjor and Pornpen Khongkachonkiet.

# Acknowledgements

**F**irst and foremost, CrCF would like to acknowledge and thank the participants who contributed to this research project, from its inception and design through to completion. We express our utmost gratitude to the survivors, their families, youth groups and our local partners for sharing their stories, experiences, hopes and visions for a better future.

We would also like to acknowledge Duayjai Group for their continued partnership with CrCF and involvement in this research process. We would like to thank AJAR for providing advice and guidance throughout the research process and who continue to work hand in hand with CrCF on transitional justice initiatives and the promotion of peace and accountability across the region. This research and report would not have been possible without the support of the European Union and European External Action Service (EEAS) in Indonesia and Bangkok.

During the research process, a number of our friends who contributed to the project and who are engaged in the struggle for democracy in Thailand were charged with political crimes. Some remained unjustly imprisoned at the time of publication. These activists have been punished solely for exercising their right to freedom of expression. This report is dedicated to them, and to all those who have sacrificed so much in the fight against repression and impunity and in pursuit of democracy, justice and peace in Thailand.

# Preface

Cross Cultural Foundation (CrCF) working closely with Duayjai Group and in collaboration with Asia Justice and Rights (AJAR) conducted participatory action research (PAR) with 43 participants from diverse backgrounds across Thailand, including the Southern Border Provinces (SBPs), between July 2022 and February 2023. This process was made possible with support of the European Union.

This research was part of a broader project aimed at better understanding human rights violations in the Asia-Pacific region and exploring how civil society organisations (CSOs) have responded to such violations by developing locally-led initiatives for sustainable peace and non-recurrence of violence. Drawing on the experiences of victims' groups and CSOs in other contexts and through engagement with AJAR, AJAR Timor-Leste, Assosiasaun Chega Ba Ita (ACbit) Timor-Leste and Solomon Islands Trauma Association (SITHA) we have been able to learn from transitional justice processes in the region to support truth-seeking, transitional justice processes and peacebuilding in our own context.

During the nineteenth century, while many countries in Asia and other continents were struggling for independence, rejecting colonial legacies and traditional ruling regimes, Thailand was ruled as an absolute monarchy. Although the country became a constitutional monarchy in the 1930s, the process of democratisation was led by the same powers and institutions responsible for the development of modern militarisation. Today, the military and monarchy retain significant power and influence in the country.

Thailand has a long history of serious human rights violations, in particular in the context of nationwide political uprisings as well as in the country's southern border regions. Despite this, many past violations remain unacknowledged and unaddressed; indeed, in some areas the scale and severity of crimes remains grossly underreported. Recent years have seen increasing understanding among civil society of the importance of transitional justice and peacebuilding. This has been supported by a new wave of understanding, particularly among younger generations, that lasting peace is predicated on dealing with the past.

At the same time, a key challenge facing the transitional justice movement in Thailand is the fact that the country has not yet transitioned from a system of militarism and autocracy toward democracy, or from armed conflict towards peace. It therefore has proved extremely difficult to respond to gross human rights violations or adopt similar approaches to those of contexts where mass violations are recognised and well-documented.





Participants during the 'River of Life' activity reflecting on their journey and struggle 25 July 2022



# Chapter 1: Introduction

*I grew up believing that peace is just a utopian dream. Throughout my childhood, I was exposed to violence and conflicts, but I didn't know what truly happened in the past. I was only aware of the violence. I don't want to be trapped in a cycle of violence. When I am an adult, I hope to use nonviolent methods rather than violent ones.* —Female youth activist, Deep South.

*Violence in the next generation is dependent on our generation's ability to solve problems.* —Male youth activist, Bangkok.

Politics in Thailand has been marked by conflict, authoritarian regimes and a series of coups d'état since the revolution in 1932 which ended the country's absolute monarchy and led to the introduction of a constitutional monarchy. Since then, Thailand has experienced 13 successful coups, a number of unsuccessful coup attempts and multiple constitutional changes. The most recent coup occurred in 2014.

Over the years, strong political and ideological divides have sparked conflict between conservative monarchists and pro-democracy reformists. These divides have resulted in political uprisings that have often been met with violent crackdowns, mass killings and the silencing of dissent. Between 2005 and 2014, the country saw a series of large-scale street protests, including by the pro-democracy United Front for Democracy Against Dictatorship (UDD), more commonly referred to as the Red Shirts, as well as the nationalist People's Alliance for Democracy (PAD), known as the Yellow Shirts and the People's Democratic Reform Committee (PDRC). These culminated in mass political mobilisations in March to May 2010 which were met with a violent government crackdown. State security forces responded with excessive force and repression, firing live ammunition at protestors and arbitrarily arresting demonstrators, who were often held in unofficial places of detention and tortured.<sup>1</sup>

From 2015, following another coup a year earlier, young pro-democracy activists began mobilising, taking to the streets to demand democratic reform and structural change in Thai politics. This youth movement also ignited a public debate about the role of the monarchy in the country as well as the impact of Thailand's *lèse-majesté* law—which criminalises insulting the royal family. The government responded with a wide-ranging—and ongoing—crackdown on freedom of expression. Since July 2020, at least 1,954 people have been charged or convicted for their involvement in youth-led pro-democracy protests.<sup>2</sup> Of these, at least 286 children have been charged or prosecuted under the Emergency Decree, *lèse-majesté* and sedition laws, with the majority of cases linked to youth exercising their rights to freedom of expression and peaceful assembly.<sup>3</sup>

The youth movement evolved significantly after the Constitutional Court ruling in February 2020 which dissolved the Future Forward Party—Thailand's most progressive and youth-oriented political party. Tensions between reformists and traditionalists re-emerged following the general election on 14 May 2023, after the military-controlled senate blocked the progressive Move Forward Party (MFP), from forming government despite receiving the overwhelming support of Thai voters. MFP, which had become the *de facto* successor of the Future Forward Party, is now also facing dissolution.

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1 Human Rights Watch. "Descent into Chaos: Thailand's 2010 Red Shirt Protests and the Government Crackdown," accessed 30 April 2024, <<https://www.hrw.org/report/2011/05/03/descent-chaos/thailands-2010-red-shirt-protests-and-government-crackdown>>.

2 Thai Lawyers for Human Rights, "March 2024: 1,293 political cases have been filed against 1,954 people," 17 April 2024, accessed 3 May 2024, <<https://tlhr2014.com/en/archives/66353>>.

3 Thai Lawyers for Human Rights, *From Classroom to Courtroom: Report Release on Children's Rights to Freedom of Expression and Assembly in Thailand*, Report Thai Lawyers for Human Rights (Thailand: TLHR, December 2023).

Amid this backdrop of national political instability, Thailand's Southern Border Provinces of Pattani, Yala, Narathiwat, and parts of Songkhla, also known as the Deep South, have for years been wracked by violence and conflict.<sup>4</sup> The conflict, which is primarily between the mainly Buddhist Thai nation-state and the predominantly Muslim Malay ethnic minority, is rooted in discrimination, in particular the violent suppression of ethnic Malay/Muslim identity and cultural expression, and disparity over access to resources.<sup>5</sup> Over the last two decades, and in particular since 2004, when the current and most deadly phase of the conflict began, several incidents have further exacerbated tensions, hardening resentment against the central government and fuelling the insurgency. These include in particular the Kru Se Mosque incident<sup>6</sup> and the Tak Bai massacre.<sup>7</sup>

Today, conflict has escalated into frequent violence between the Thai military and insurgent groups, resulting in many deaths, the majority of which have been civilians. Meanwhile, the national government has imposed special law, in particular Martial Law, the Emergency Decree and the Internal Security Act which provide security forces with extra-judicial powers. This has led to the abuse of power and systematic human rights violations through arbitrary arrests, detention, torture, extrajudicial killings, and enforced disappearance with the majority of victims being from the minority Malay-Muslim community. According to the Center for Conflict Studies and Cultural Diversity, from January 2004 –December 2023 there were at least 22,296 violent incidents causing 7,547 deaths and 14,028 injuries.<sup>8</sup> At the time of publication, there were some 1,835 security checkpoints in Yala, Pattani, Narathiwat and Songkhla provinces and it remains the most militarised area in Thailand with more than 60,000 armed personnel deployed from the Thai military making the region one of the most militarised areas in Thailand.<sup>9</sup>

Since 2004, there have been multiple attempts at peace talks in the Deep South. Most recently, peace discussions between representatives from the Thai government and Barisan Revolusi Nasional (BRN) took place on 6 and 7 February 2024, with both parties agreeing on common points in a Joint Comprehensive Plan towards Peace (JCPP). While it is still too early to assess the outcome of the process, civil society remains hopeful it will go further than previous efforts by addressing the root causes of the conflict and allow affected communities to be more involved at all stages.

## Our Starting Point

Civil society groups have been actively engaged in both formal and informal transitional justice and peace building initiatives in Thailand. A key area of focus for CrCF, Duayjai Group and AJAR has been strengthening civil society, in particular by increasing victims' understanding of transitional justice and peacebuilding.

This project was the first time that CrCF has applied a participatory approach to research. The process was designed to evaluate the success and failures of previous peacebuilding and transitional justice mechanisms in Thailand and to identify ways to support localised initiatives for peace into the future. The primary objectives of the PAR were to:

- (i) Develop an understanding of the impact of systematic conflict and mass atrocities in Thailand;
- (ii) Analyse the intergenerational impact of this on youth who have grown up amid violence;
- (iii) Identify existing initiatives of victims' groups and CSOs on peacebuilding;

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4 In this report, the terms Southern Border Provinces, Southern Thailand and the Deep South are used interchangeably to describe the areas in the south of Thailand consisting of Pattani, Yala, Narathiwat and Songkhla.

5 Neil J. Melvin, "Conflict in Southern Thailand: The historical roots of the conflict," *Stockholm International Peace Research Institute*, (2007): 13.

6 On April 28 2004, a series of violent incidents took place in SPBs. At the Krue Se Mosque in Pattani, security forces engaged in a seven hour standoff with suspected militants taking refuge in the mosque. Security forces then stormed the mosque using heavy firearms which resulted in the death of 32 people.

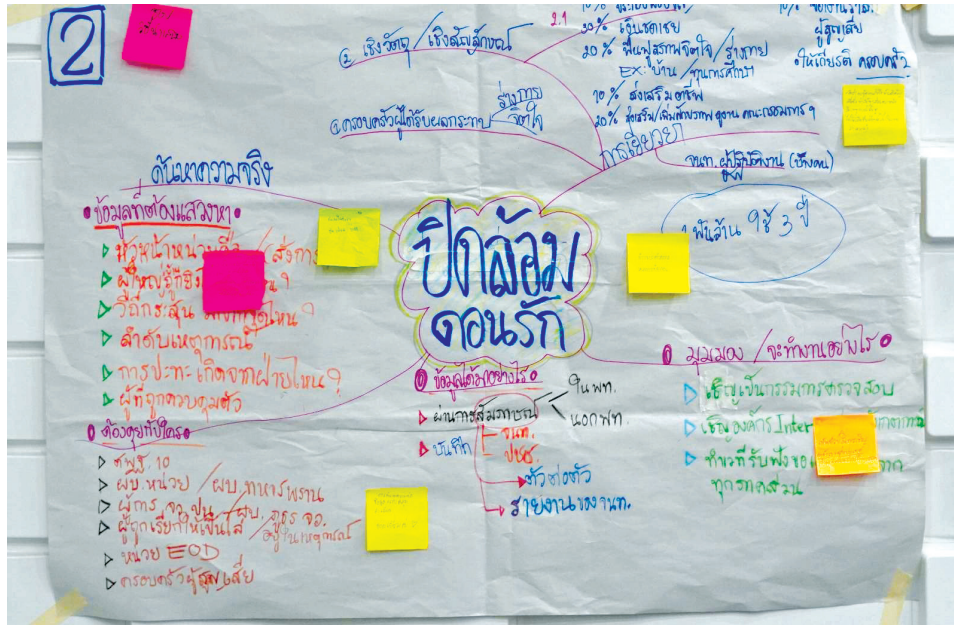
7 On 25 October 2004, the military violently dispersed a demonstration of more than 1,500 Malay-Muslims in Tak Bai, Narathiwat. Seven protesters were killed on the spot while 78 men died of suffocation and organ collapse while held in military custody. They had been stacked atop one another face down with their hands tied behind their back for over five hours in army trucks.

8 Centre for Conflict Studies and Cultural Diversity (CSCD) Institute for Peace Studies, "Summary of Incidents in Thailand" accessed 30 April 2024, <<https://cscd.psu.ac.th/en>>.

9 Ibid., <<https://cscd.psu.ac.th/en>>.

- (iv) Identify ways to support these initiatives; and
- (v) Reviewing the ways civil society develops strategies to address the root causes of conflict.

Interactive workshops brought participants together in Ubon Ratchathani, Bangkok and the Southern Border Provinces to engage in dialogue, using a range of participatory research methodologies. The research was conducted with participants from across the country and included men, women, LGBTQIA+ people and youth who are political activists, NGO staff, family of victims of enforced disappearance and survivors of state violence, including torture.



Brainstorming with participants on potential transitional justice mechanisms in the case of the village raid in Don Rak 18 November 2022

A key learning from the research was that participants from diverse backgrounds and experiences saw state oppression and the politics of identity as drivers of conflict at both the individual level and within communities. Another important finding is that transitional justice mechanisms in Thailand, in particular in the Deep South, require more targeted measures to ensure the application of the rule of law and prevention of entrenched impunity. It was clear that the national government, CSOs and the international community need to place a much stronger emphasis on working with victims and communities impacted by conflict in order to support truth-seeking, trauma healing and the provision of social support as well as to empower victims.

## What is Transitional Justice?

Transitional justice refers to the full range of processes that are used to respond to widespread violations of human rights that aim to bring recognition to victims and survivors and promote the rule of law, peace, reconciliation and democracy.<sup>10</sup> Transitional justice is not a distinct form of justice and therefore needs to be locally led and owned by communities that are transitioning from a period of conflict and human rights abuses.<sup>11</sup> There are four key elements of transitional justice:

- **Truth-seeking:** These initiatives aim to understand, record and memorialise the truth about what happened. This can include official truth commissions or inquiries as well as unofficial documentation programmes, oral history projects and recording of testimonies.

<sup>10</sup> Asia Justice and Rights, *Transitional Justice Handbook*, AJAR January 2023, <[https://asia-ajar.org/wp-content/uploads/2023/03/TJ-Handbook\\_Jan23.pdf](https://asia-ajar.org/wp-content/uploads/2023/03/TJ-Handbook_Jan23.pdf)>.

<sup>11</sup> UN Secretary General, "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice," United Nations (New York: March 2010).



- **Prosecutions:** Have the potential to reveal how large scale crimes were committed, ensure that perpetrators are brought to justice, and restore victims' dignity and public confidence in the rule of law.
- **Reparations:** Recognise victims' rights and seek to repair the harms they have suffered. Reparations can include state-sponsored initiatives such as financial compensation, social assistance, and official apologies as well as measures to preserve memory for example through the creation of museums, monuments and national commemorations.
- **Institutional Reform:** Reforms are designed to prevent repetition of human rights violations and abuses by focusing on the institutions most directly involved in violations which can include the military, police and the judiciary to ensure responsibility and accountability for the past preventing recurrence into the future.

## What is Peacebuilding?

Peacebuilding is a complex, long-term process aimed at overcoming violence and creating conditions for sustainable peace. It aims to reduce the risk of violence by identifying the root causes and drivers of conflict, strengthening capacity for conflict management, changing attitudes and improving relations between stakeholders. It can include activities linked to economic development, social justice, humanitarian assistance, reconciliation, and the empowerment of specific groups, in particular from disadvantaged and/or marginalised groups.<sup>12</sup>

Transitional justice and peacebuilding have emerged as coherent disciplines along similar timeframes since the 1990s. Both have developed from relatively ad hoc mechanisms and activities into more integrated and strategic approaches. While they often take place in the same context, they do not always work hand-in-hand. At times there are tensions between the approaches, at others a lack of strategic co-planning to enable mechanisms and activities to work in complementary ways.

## Participatory Action Research

Participatory Action Research (PAR) is a framework for conducting research and generating knowledge centred on the belief that those most impacted should lead in framing the questions, the design, methods, and the modes of analysis of such research projects. The key principles of participatory research are participation, empowerment, collaboration, reflection and being action oriented (that is, producing tangible outcomes and solutions). CrCF and AJAR adapted the PAR framework to the context of Thailand in order to engage directly with survivors and the wider community, so they can share their individual and collective experiences.

In the context of entrenched impunity and a lack of accountability, victims and survivors of conflict and mass atrocities often face barriers accessing justice and exercising their rights. Learning about transitional justice and peacebuilding processes empowers them by equipping them with skills and knowledge and giving them a sense of agency. PAR provides an opportunity to identify the root causes of conflict and barriers in exercising these rights. In addition, it allows participants to discuss and reflect the needs of victims and communities both at the local and national level when designing and implementing transitional justice initiatives.

The PAR in Thailand addressed the following key research questions:

1. What is the impact of systematic conflict and mass atrocities in the context of Thailand? Does the country experience internal and external conflict (direct and physical conflict, structural conflict, cultural conflict)?
2. What are the intergenerational impacts of those conflicts and mass atrocities?
3. How are civil society groups able to develop effective advocacy strategies to address the root causes of conflict and violence?
4. What are the key initiatives being undertaken by victims and civil society groups working on peacebuilding and accountability and how effective have these been?

12 S. Sönsken, A. Kruck and Z. El-Nahel, "Building and Sustaining Peace: Glossary on Conflict Transformation and Peacebuilding: 20 essays on theory and practice," *Berghof Foundation* (2019): 36.

5. How have initiatives of victims, their families, and victims' groups increased their capacity to sustain movements for accountability, justice and peace?
6. How have minority, vulnerable and marginalised groups participated in the decision making of these processes?

CrCF conducted three PAR workshops in Ubon Ratchathani, Bangkok and the Deep South, utilising participatory tools developed by AJAR in both conflict and post-conflict contexts.<sup>13</sup>

In total, there were 43 participants, including survivors of torture, relatives of victims of enforced disappearance, political activists, youth activists, students, and human rights defenders. They came from areas across the country, including Bangkok, Ubon Ratchathani, Nakhon Ratchasima, Pattani and Yala. Participants were aged between 17 and 60 years old. They represented diverse genders, and identified as female (15), male (24), gender queer (2), non-binary (1) and unidentified gender (1).<sup>14</sup>

Workshops took place in three locations: Bangkok, the Deep South, and Ubon Ratchathani. They blended a range of participatory research methodologies designed to create space for discussion, opportunities to listen to the voices of affected communities, engage them in dialogue, and seek their perspectives and insights on strengthening peace. Methodologies used included the River of Life, Tree of Peace and Accountability, Stone and Flower and House of Peace.

Research Method	Description
<b>River of Life</b>	Participants create individual and collective timelines by telling stories and sharing their life experiences. They reflect on these experiences by drawing a river to represent their own lives. Participants are empowered by creating a conflict timeline from their own perspective.
<b>Tree of Peace and Accountability</b>	A guided discussion where participants identify the root causes of conflict and steps towards accountability. The objective is to understand the connection between conflict, peace and accountability and to analyse peace processes and how these can better represent victims.
<b>Stone and Flower</b>	An exploration of victims' rights to truth, justice, healing, free from violence and to be protected from violations happening again. <sup>15</sup>
<b>House of Peace</b>	Participants focus on how to build peace after mass atrocities. Including ensuring that local actors and victims are empowered to create their own vision of peace, that is long term and inclusive. This method analyses peace based on indicators: safety and security, ongoing conflict, militarization, inclusion, accountability and gender. <sup>16</sup>

The participatory research was guided at all times by the principle of do no harm, including a strong commitment to informed consent, confidentiality, mutual-benefit, non-discrimination, and consensus regarding the use of data. This was especially important given the sensitive nature of topics under discussion, which have the potential to reopen old wounds and can lead to re-traumatisation.

13 G. Wandita, K. Campbell-Nelson, A. Nuraini, *Mosaic: A manual for rebuilding lives and communities after torture* (AJAR, January 2018), 1-141.

14 A breakdown of the participant selection: Ubon Ratchathani (four women, nine men, one gender queer, one non-binary person and one non-identified), Bangkok (three women, four men and one gender queer person), Southern Border Provinces (seven women and eight men), Focus Discussion Group (FDG) SBPs (one woman, two men) and House of Peace (one male family member of victim of torture).

15 G. Wandita, K. Campbell-Nelson, *Stone and Flower: A guide to understanding and action for women survivors* (AJAR, October 2015) 11-130.

16 This exercise is based on an Annual Peace Index developed by the Institute for Economics and Peace which uses 23 indicators to measure peacefulness. AJAR has adapted this index to include issues linked to accountability, gender, diversity and inclusion.

# Chapter 2: Key findings

## The dynamic of conflict – from old to new

**Key finding:** *The Thai government has responded to political unrest and pro-democracy movements with violent crackdowns and the use of repressive laws. These laws have significantly curtailed the right to freedom of expression, restricting political participation and creating a fear of speaking out. In the Deep South, the situation is exacerbated by extensive militarisation of the region and the use of draconian security measures, such as the improvisation of Martial Law, which has further cemented feelings of social and political exclusion among Malay-Muslim communities. There is a need for a change in approach, one which moves away from criminalisation and militarisation towards solving the economic and psychosocial problems created by the conflict.*

### Nationwide

The dynamic of conflict refers to the patterns, processes and factors that shape the course of conflicts and can involve legacy from old conflicts, power imbalances, social injustice, structural and cultural violence. Conflicts can be protracted spanning over the course of years or decades and can be both vertical and horizontal. Because of this, they are violent and destructive both during the time of conflict and in its aftermath, causing significant intergenerational impacts. Understanding the root causes of previous conflicts plays an essential role in the ability of communities to prevent and/or respond to conflict in the future.

In Thailand, conflict is deeply rooted in historical political divisions between the pro-democracy movement, conservative monarchists and the military. Throughout the research process, participants emphasised that historical patterns of political tension between these three groups has resulted in violence. There is a profound sense of distrust in the current government, while failure to address past human rights violations has also eroded trust in the independence of governmental institutions.

After 91 years of struggle for democratisation, Thailand remains in the midst of a political and ideological divide. The growing political dichotomy in Thailand is evident in the last 18 years with the emergence of the anti-Thaksin, royal-nationalist movement which led the coups d'état of 2006 and 2014.<sup>17</sup> This cycle of coup d'état is very much a symptom of the past. Furthermore, the conflict has been fuelled by socio-economic injustices including economic and political inequality between the masses and Thailand's wealthy elite which has resulted in increasing political polarisation between the pro-democracy and conservative movements today.

Throughout Thailand's history there have been a number of political uprisings calling for democracy and an end to inequality. Political uprisings have often been met with violent crackdowns by state security forces. This was the case in the events on 14 October 1973, 6 October 1976 and in May of 1992. Political uprisings continued with pro-democracy Red Shirt (UDD) and nationalist (PAD and PDRC) street protests from 2005 to 2014. Furthermore, it resulted in the significant military crackdown on Red Shirt protesters from March to May 2010. More recently, youth uprisings in 2020 and 2022 have added another layer to Thailand's historical narrative of political unrest.

While the root causes of political conflict in Thailand can be traced back many decades, it is important to analyse how this has developed over the past ten years. In 2014, under the pretext

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<sup>17</sup> Thaksin Shinawatra was the prime minister of Thailand from 2001 until his government was overthrown by the coup d'état of 2006. He became the Prime Minister after his political party won a landslide election in 2001 and was re-elected in 2005 by an overwhelming majority, mostly by voters from the rural poor in northern and northeastern Thailand.

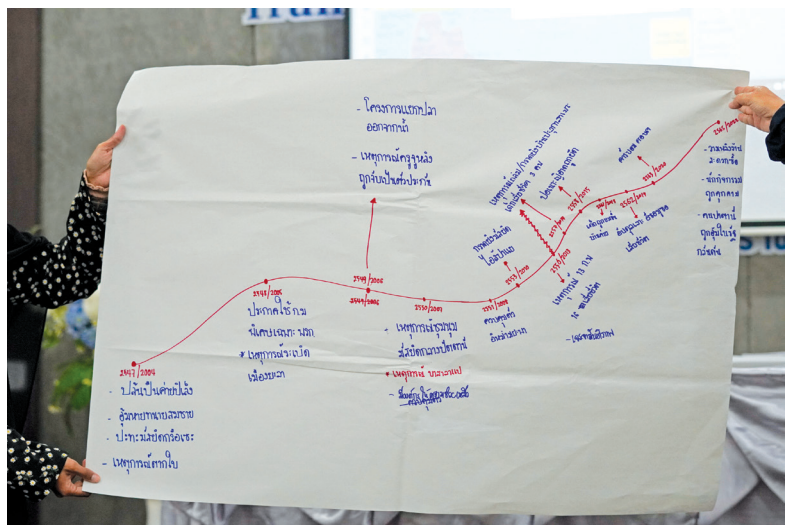


of defending constitutional monarchy and national security, the military staged the country's 13<sup>th</sup> successful coup d'état, overthrowing the elected government of Yingluck Shinawatra. The military suspended the constitution, imposed Martial Law nationwide, and instituted widespread media censorship. It also arrested more than one hundred pro-democracy activists, students, scholars and others who publicly opposed the junta's actions. During this time, the military also regularly summoned dissidents to report themselves to authorities; many activists were forced into exile.<sup>18</sup>

In 2017, a new junta-drafted constitution was ratified, increasing the power of both the military and the monarchy. This paved the way for a coalition government led by General Prayuth Chan-o-cha as the Prime Minister to hijack the 2019 general election despite his party failing to win a majority of the vote. In response, pro-democracy activists and students took to the streets, demanding democratic reform and structural change in Thailand's politics. The movement was led by young democracy activists that had been exposed to the cycle of conflict, coup d'état, failed attempts at political reform and growing military interference and repression.

The youth movement evolved significantly after the Constitutional Court's ruling in February 2020 which dissolved the Future Forward Party – Thailand's most progressive and youth-oriented political party. The movement questioned the relationship between the monarchy, the military, coup leaders, and other institutions including the judiciary. It also sparked a public discussion on the lèse-majesté law, perhaps one of the greatest barriers to the freedom of expression in Thailand. Under the slogan "let's finish it in our generation" the youth movement put forward three main demands: the resignation of General Prayuth, a more democratic constitution and the most controversial - reform of the monarchy. This was the first time in modern Thai political history that such a demand had been put forward.

The government reacted by dismissing all demands and labelling the movement as 'unpatriotic'. The subsequent crackdown included harsh measures including arbitrary arrests and detentions as well as legal repression. Specifically, the government imposed the *Emergency Decree on Public Administration in Emergency Situations* which restricts gatherings, imposes curfews, and suppresses protests. The government also increasingly employed the *Computer Crimes Act* to monitor and regulate online platforms and social media content to identify activists, enforce censorship, and restrict freedom of expression.<sup>19</sup> There has also been an increase in arrests and prosecutions of activists, scholars, and netizens under Thailand's lèse-majesté (article 112) and sedition (article 116) laws. This criminalisation has been designed to instil fear among activists and supporters and suppress dissent, curb protest activities and deter future criticism. Many activists have been denied bail and face extended periods of pre-trial detention, complicated legal proceedings and lengthy trial periods. As of May 2023, at least 1,914 people had been arrested on criminal charges as a result of their participation in protests. Of these, at least 250 were charged with lèse-majesté and 130 were charged with sedition.<sup>20</sup>



Timeline Deep South

18 Thai Lawyers for Human Rights, *Human Rights Situation Report*, Report TLHR (Thailand: TLHR 22 January 2014); Human Rights Watch. "Thailand: Human Rights in Free Fall", accessed 30 April 2024, <<https://www.hrw.org/news/2015/01/29/thailand-human-rights-free-fall>>.

19 Human Rights Watch. "Cyber Crime Tightens Internet Control", accessed 1 May 2024, <<https://www.hrw.org/news/2016/12/21/thailand-cyber-crime-act-tightens-internet-control>>.

20 Thai Lawyers for Human Rights, accessed 1 May 2023, <<https://tlhr2014.com/archives/56520>>.

This background is important in understanding political conflict, the role of youth and the intergenerational impact of conflict in Thailand. From this participatory research process, it became clear that participants between 18-20 years old identified the 'oldest' conflict as the 2006 coup d'état. More recent events such as the 2010 crackdown and the 2014 coup d'état have had a greater impact on their understanding of conflict and violence, their causes, and the role of the state. In contrast, 'older' activists, some of whom experienced violence dating back to 1973, often demonstrated a broader perception of the root causes of conflict in Thailand. These intergenerational perceptions of violence also differ based on lived experience, exposure to violence and family backgrounds.

The role of new technology and communication has been an important factor in understanding the dynamic of new conflict in Thailand. In recent years, the country has experienced rapid economic growth and development which has led to the opening up of Thai society. Social media has played an instrumental role creating new channels of information and communication, influencing new generations of Thai voters and transforming the political landscape and democratic movement. Traditional values and institutions have been increasingly questioned and challenged by progressive new ideas. Perhaps the clearest example of this has been the discussion of the role of the monarchy – an extremely sensitive and controversial issue in Thailand – and demand for institutional reforms.

### *Timeline of Conflict*

The following timelines were developed as part of the participatory research process in Ubon Ratchathani, northeastern Thailand. These are important events to understand the nature of conflict and the connection between unresolved past political conflicts and the emergence of new conflict. However, as these activities were conducted in 2022, they do not include recent events such as the May 2023 general election.

Affected area: Nationwide, Central Area	
Timeline	Event
1971-1976	Cold War period and the Development of Southeast Asia Treaty Organisation (SEATO). This was a period of democratic setbacks where many activists were attacked and killed. There was a democratic space under influence from the United States however with growing anti-communist sentiment. In 1976, the military seized power in a coup d'état. Many people were killed in the south and northeast of the country, and homes and villages were burned down. There are many untold stories of Indigenous people and the impact of conflict from this period.
1973	On 14 October, the student movement organised demonstrations known as the Thai popular uprising which demanded fresh elections and a new constitution. Police and security forces responded to the movement with extreme violence killing at least 77 people. This was sanctioned by the monarchy with King Bhumibol intervening to announce the resignation of the military government.
1976	Thammasat University massacre which lead to the mass killing of at least 46 people which were mostly protesting students and a number of enforced disappearances. This was a result of anti-communist propaganda. Until today, there has been no compensation, fact-finding or reparations for victims
1992	Military coup followed by the People's Uprising and the People's Constitution. There were continued attacks against human rights defenders (HRDs) and environmentalists during this period. The Thaksin regime also began a "War on Drugs"; many of the victims were innocent, ordinary people.
2006	Coup d'état resulting in increased political polarisation.

<b>2010</b>	Political polarisation between Red and Yellow Shirt movements. In April and May 2010, the government launched a violent crackdown on protesters.
<b>2014</b>	The military launches another coup, creating conflict which continues to date. The period that followed saw a series of attacks against human rights defenders by the military including arbitrary arrests and detention, torture, and enforced disappearance. Many civilians arrested during this period were tried in military courts. After the coup, many political activists left Thailand seeking refuge in other countries.
<b>tt</b>	The 2019 elections were dominated by national discussions on democracy, human rights and the military drafted constitution. This focus engaged the youth.

The following timeline documents local history in northeastern Thailand focusing on land and environmental conflicts between the Indigenous Karen people and the government.

Affected areas: Northeastern	
Timeline	Event
<b>1826</b>	Chao Anuwongse rebellion. <sup>21</sup>
<b>1897</b>	Ngiao Rebellion against centralization policy. <sup>22</sup>
<b>1901</b>	Holy Man's Rebellion. <sup>23</sup>
<b>1941</b>	Enactment of Forest Act B.E. 2484.
<b>1961</b>	Enactment of the first version of National Park Act B.E. 2504.
<b>1992-1996</b>	Widespread charges on the offence of forest and land encroachment (around 46,000 cases).
<b>1966</b>	Chit Phumisak, Thai Marxist and Communist Revolutionary is shot dead by government officials in Sakon Nakhon province.
<b>2014</b>	Junta government policy "Reclaim the forest". <sup>24</sup> Indigenous activist Porlagee Rakchongcharoen, also known as Billy, disappears in Petchaburi province.
<b>2015</b>	National Land Policy Subcommittee (NCTC)'s resolution on permission for the utilisation of the land without ownership. Den Kamlae, a human rights activist focusing on land rights, disappears in Chaiyaphum province.
<b>2017</b>	Extrajudicial killing of Chaiyaphum Pasae in Chiang Mai province. <sup>25</sup>

### Southern Border Provinces

In the Southern Border Provinces, conflict is deeply rooted in historical and political divisions that have existed between the central area and the Deep South for more than 100 years. The conflict is rooted in a complex combination of historical, ethnic, religious, socio-economic and

21 The Chao Anuwongse Rebellion, also known as The Lao Rebellion and the Vientiane-Siam War was an attempt to free Lao from suzerainty of what was then Siam. However, it ended with Siam gaining victory and control over Vientiane and Champasak.

22 Ngiao rebellion is an uprising of Taiya (or Ngiao) people (or Ngiao) against what was then Siam.

23 The holy man or Phu Mi Bun uprising refers to northeastern Thailand, southern Laos, and the adjacent portion of the Vietnamese central highlands against French Indochina and what was then Siam in 1901 - 1936.

24 Or ทางคืนคืนป่า in Thai

25 Chaiyaphum Pasae was an ethnic Lahu human rights and youth activist who worked on promoting minority ethnic rights. He was shot and killed by an army soldier at a military checkpoint in Chiang Mai province.



political factors. This includes significant tensions between a mainly Buddhist Thai nation-state and minority Malay-Muslims over access to resources, economic inequality and the perception and role of identity in society. These tensions have increasingly resulted in violence and conflict.

Historically, the SBPs were part of the Malay-Muslim sultanate of Pattani until it was annexed by Siam (then Thailand) in the early 20<sup>th</sup> century.<sup>26</sup> This annexation was followed by the replacement of ethnic Malay-Muslim local rulers with ethnic Thai officials and the introduction of assimilation policies aimed at strengthening ethnic Thai culture, language and religion in national state building across the SBPs. This included promoting Thai language and Buddhism, banning the teaching of Malay in schools, closing down local religious schools and Islamic courts, as well as the refusal to acknowledge the Pattani people through distinctive religious, ethnic, cultural and linguistic differences.<sup>27</sup> Since then, Malay-Muslim communities have demanded greater autonomy and recognition of their cultural and religious rights.

It is against this backdrop that the region has experienced a significant increase in militancy and conflict led by insurgent and separatist groups against the central state. The situation escalated between 2004 and 2006, in particular following the Narathiwat armoury raid, the Krue Se Mosque incident and the Tak Bai massacre. The national government responded to increased militancy by using special laws which grant security forces increased power. These include Martial Law, the Emergency Decree, and the Internal Security Act. Ostensibly aimed to counter insurgency, these laws have instead acted as a veil, concealing wide-ranging human rights violations by state security forces and further entrenching impunity. At the same time, the region has seen an alarming increase in acts of physical violence such as shootings, bombings, arson, and the destruction of property.

Unresolved historical conflicts and entrenched impunity have sparked new conflict between the state and local communities, in addition to existing—and ongoing—violence between the state and political and/or separatist groups. Participants noted that conflict in the Deep South is linked to national political dynamics, often increasing when political conflict is present both locally and nationally, as was the case in the lead up to and post the May 2023 general election. One male participant discussed how this dynamic has led to a lack of confidence in the government's policies aimed at resolving conflict in the Deep South.

*[As the election is coming soon] In terms of structure, it would be possible [to improve], based on my previous experience working in the field. The impossible part is [government] policies, which primarily focus on development that stems from Thailand's National Strategy. I'm not sure this strategy will change if the government changes. If nothing changes, the problems will continue. —Male human rights defender, Deep South.*

In the SBPs, conflict has significant adverse impacts on people's quality of life, including their mental health, relationships and employment prospects. It has also led to the emergence of new socio-economic issues. For example, the death of men during conflict has led to high numbers of orphaned children and widowed partners. It is evident that current laws and policies, the abuse of power by public servants and local authorities as well as the lack of access to opportunity and the discrimination faced by communities in the SBP are drivers of conflict that continue to persist.

## Timeline of Conflict

The following timeline was developed through discussion on the conflict in participatory research in the Deep South. Because the research activities were conducted in 2022, events in 2023 and 2024 – such as developments in the peace process and the May 2023 general elections – are not reflected.

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26 The Thai Provinces of Pattani, Yala, Narathiwat, and parts of Songkhla, which together with areas of northern Malaysia covered the Muslim sultanate of Pattani in the second century AD.

27 C. Baker and P. Phongpaichit, "A history of Thailand," *Cambridge University Press*, (2022): 193.

Affected area: Deep South	
Timeline	Event
1954	Haji Sulong, a prominent religious leader, is abducted and forcibly disappeared.
2004	The start of the year sees a significant deterioration of the security situation in the south and the imposition of Martial Law. During the year there are several violent events which spark public outrage, including the Tak Bai massacre and Krue Se Mosque incident. Prominent human rights lawyer Somchai Neelapaijit disappears in Bangkok. <sup>28</sup> He has not been seen since.
2005	The government enacts the Emergency Decree on Government Administration in States of Emergencies (Emergency Decree), leading to an increase in arbitrary operations by the military acting with complete impunity. Violent incidents increased dramatically including bombings in the city of Yala.
2006	The government launches the project “Separating the Fish from the Water” (Yak Pla Ok Jak Nam) <sup>29</sup> . This policy refers to identifying “terrorists” from civilians. An incident occurs involving a female teacher Juling Pangamoon, who died as a result of the unrest.
2007	Assembly at Pattani Central Mosque.
2008	Imam Yapa Kaseng, a former Imam in Narathiwat, is detained, interrogated, subjected to torture and killed.
2010	Mass shooting at Isee Payae Mosque.
2013	13 February incident resulting in the death of 16 people.
2014	Mass shooting at Baan Paluka Samoh resulting in the death of three children
2015	Pondoh school was investigated for their involvement in the counterinsurgency and separatist movement.
2016	Peace talks between the Thai government and MARA Patani (Majlis Syura Patani, or Patani Consultative Council), an umbrella organisation of Malay-Muslim separatist fronts from southern Thailand.
2019	Abdullah Isomuso, detained for suspected involvement in unknown insurgent activity, is found unconscious in his cell in Pattani. He dies 35 days later.
2020	A car bomb is detonated in front of the Southern Border Provinces Administrative Center (SBPAC) in Yala province.
2022	Arson attacks continue including the burning of a grocery shop. Harassment of activists also continues.

## The right to live in safety and with security

**Key finding:** Participants overwhelmingly expressed feeling unsafe due to violence in their homes and communities. These feelings increased when authority figures like the security forces were present. Many participants described experiences of harassment, intimidation, and surveillance by the military or police which fuelled distrust in the authorities. Some activists experienced physical violence from individuals who opposed their political ideology or demands. In Southern Thailand, fear of and intimidation by authorities is a major concern. The presence of authorities, including at military checkpoints and during visits to residents’ homes, has further exacerbated feelings of insecurity among the community.

28 Somchai Neelapaijit was a human rights lawyer advocating for the rights of Malay-Muslims and people who were tortured and suffered from ill-treatment in military detention in Southern Border Provinces.

29 “Separating the Fish from the Water” translation from ทวงคืนผืนป่า in Thai.

## Nationwide

Safety and security refers to the provision of basic needs and services, the threat of real or perceived violence, as well as people's sense of being safe and secure in their homes and communities. During the research, it became clear that whether participants felt safe and secure was linked to their lived experiences of violence and their engagement with security forces. Feelings of insecurity were greater when authority figures, in particular security forces, were involved. Participants reported experiencing harassment and intimidation such as being followed or having security forces monitor their activities.

*Honestly, I'd really say that I never thought that our country could be this barbaric. [...] Because there is a car mob<sup>30</sup> where we sometimes talk about economic problems, vaccines for Covid-19, those issues we were protesting at that time. After joining the car mob, I was charged in two cases under the emergency decree for organising the car mob. In October, the police came to my house five times in seven days when [Prime Minister] Prayuth came to Ubon. —Male youth activist, Ubon Ratchathani.*

Activists, mostly young activists involved in the pro-democracy movement, have been identified, targeted, followed and intimidated by the police following their engagement in political activities.

*It is not okay at all. This isn't something we should have to get used to. I just had a meal, but the officers asked the restaurant who paid for us. It was obvious that they intended to follow me. We just want to live in peace. —Male youth activist, Bangkok.*

The impact of harassment and intimidation by the police has long-term impacts on activists involved in the pro-democracy movement, affecting their feeling of safety both in their own community and in other parts of the country.

*When I went to a province outside Bangkok, I was followed by some investigating officers. A van from the Metropolitan Police Bureau arrived and asked if there were any cops in charge of security. I had previously felt safe and secure, but not after that moment. I used to travel by bus to other provinces by myself, but I can no longer do so. —Female youth activist, Bangkok*

Feelings of being unsafe or insecure affect both victims and their families, across generations. Often, intergenerational trauma creates problems within families such as challenges for victims in discussing their experiences, even with those closest to them. For example, some activists who were part of the Red Shirt movement explained that they did not want to share their past experiences with their children for fear they would be stigmatised by their community, or relive the pain that was involved participating in protests. The participatory research indicates that differences in ideology, politics and perceptions of identity create divides between parents and children, leading to instances of young people who have broken connection with their older relatives. In addition, some political refugees who left the country after the 2014 coup d'état either lost the ability to have close relationships with their family members or lost contact entirely.

*Life without a roof [my father] started when he disappeared. From 2011, my dad started leaving home [to join the movement] and we couldn't meet him often. This time he'd gone so far, deep into the core of the movement. In 2014 he received an arrest warrant from the NCPO.<sup>31</sup> There was a misunderstanding that he was with an extremist group that would bring weapons to fight with the Red Shirts. [...] He went into exile after the 2014 coup, and later he was found dead... —Male family member of a victim of enforced disappearance, Ubon Ratchathani.*

Judicial harassment and lack of judicial independence also has a significant negative impact on the safety and security of political activists. In 2022, there was an increasing trend of courts ordering restrictive bail conditions for political activists charged or on trial for so-called political crimes. This included through an electronic monitoring anklet, 24-hour house detention and being prohibited from engaging in political activities. This severely impacted their ability to engage in employment, education, and daily life.

30 Car Mob is a form of protest in which people drive their cars through places that are usually a protesting site. This creative tactic was used as a way to get around COVID-19 measures which prevented large gatherings.

31 The NCPO or National Council for Peace and Order was the military junta which ruled Thailand following the coup d'état of 22 May 2014.



*I want to mention the issue of not being able to leave the house. I have to ask [the court] many times [to get permission to go outside]. Sometimes, we even have to ask to go to work. If you can't work, you don't have money. So, what will we eat? When we asked to go to a social event like a wedding, [the court] would allow it [but] when it's about work or livelihood, they don't let me. There are no rules. —Male youth activist, Bangkok.*

## Southern Border Provinces

The ongoing situation in the Deep South has revealed concerning trends regarding the safety and security of minorities, particularly Malay-Muslims, with many instances of violence involving military and police forces. Discrimination based on religious attire and ethnicity frequently occurs at checkpoints where Malay-Muslims are subject to scrutiny while Buddhist individuals can pass without inspection.

*Because they [the soldiers] identified more with Buddhists than with Malay-Muslims, the soldiers were friendlier. You can speak with them and request assistance. —Female human rights activist, Deep South.*

Regular village raids by military personnel searching for suspected insurgents or separatists further contribute to a climate of fear and insecurity. These raids are sometimes conducted to intimidate residents and assert the authority of security forces. They have led to unlawful arrests and extrajudicial killings and by their nature create and intensify fear among residents in the community. This fear extends to distrust of the military's commitment to fairness, impartiality and upholding basic principles of human rights, for example the right to a fair trial. Furthermore, it embeds violence and the fear of violence in future generations exposed to the raids. It is clear that the frequent presence of authorities in homes and communities leads to people feeling unsafe and insecure.

*There are always officers in the village. I sometimes run into them at work and sometimes in the rubber plantation. They can be found almost anywhere in the village. It is the same in other neighbourhoods. When I get home late, I run into them on the street. —Male human rights defender, Deep South.*

As identified during the participatory research, a lack of trust in the rule of law and the justice system often takes place in the context of increased militarisation. As one participant reflected, it also extends to the fear among communities that their involvement in the peace process will lead to families being targeted or increased violence:

*I don't often remain at home, and I'm not allowed to express myself in the village or at home. I was rather concerned, yet at first, I dared to assist the village youngsters during the terrible situation. I later participated in peace-related initiatives. My family worries about me, so sometimes I don't let them know. They also don't want me to study because they think I might do something that will negatively impact them. —Female youth activist, Deep South.*

Safety and security can be measured in the ability to access basic services such as health, education, food and housing. Based on participants' responses, it appears that the overall situation is relatively stable with the majority of people indicating they have access to housing and enough food for their families. However, access to healthcare, particularly in remote and less developed areas, remains limited.

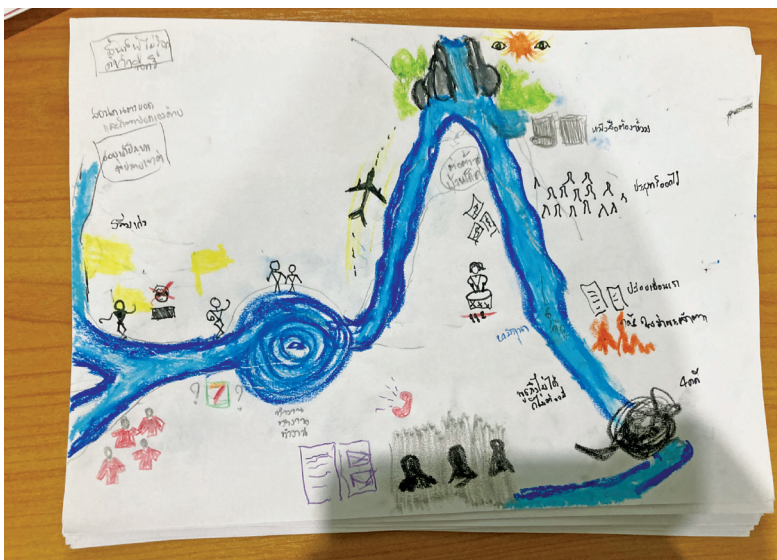
*It is difficult to obtain medicines which are in short supply. There is only one community health and medical service, but there are no staff... —Female youth activist, Deep South.*

## Militarisation and the role of the Monarchy

**Key Finding:** *The military plays an active role in Thailand's politics, impacting public trust in the security forces. There is growing scrutiny of the role of the monarchy in politics and many perceive the monarchy as working hand-in-hand with the military. Younger generations in particular are increasingly attributing conflict to the monarchy and its associated institutions. The judiciary continues to reinforce militarisation through judicial harassment of political activists. In Southern Thailand, militarisation is especially pronounced through the administration of special laws, checkpoints and other security measures. The military, monarchy and judiciary all impact the younger generation's perception of conflict resolution, and some express concern that violence will continue if there is no meaningful government action to ensure justice for past violations.*

## Nationwide

Militarism can be defined as the expansion of military powers and often precipitates some form of violent armed conflict or a heightened militarised response to internal and/or external perceived threats. It involves maintaining state power through a strong military force and shifting resources away from areas such as education and health towards security, military personnel and weapons.<sup>32</sup> Thailand's long standing cycle of coups d'état, means that the military maintains significant influence and control within society, even while Thailand is ruled by civilian government. This was particularly evident during the government of Prayuth Chan-o-cha, which came to power soon after the 2014 coup.



River of Life

Participants' perception of the root cause of conflict or the identity of the perpetrator often started with the police and the courts. Some participants did note, however, police that have been understanding or sympathetic of the pro-democracy movement and have been willing to compromise.

*Once I became an activist, the police seemed more eager to track and follow up with my cases and some of them compromised. —Male youth activist, Bangkok.*

Many participants made a direct correlation between *lèse-majesté* laws and increased militarisation, however there were differences between the perception of how central the monarchy has been as a root cause of conflict in Thailand. These differences have largely been intergenerational and impacted by people's experiences with the *lèse-majesté* laws. However, younger generations and pro-democracy activists tended to view the monarchy as the root cause of conflict—in their perspective, the monarchy underpins all institutions that uphold the culture of militarisation including the military, police and courts.

For some, the military, the monarchy, and the courts are considered a structural 'deep state', followed by the police. In one activity, participants highlighted the need for reform of the military, police, the monarchy, the constitution and the judiciary to ensure accountability and support peacebuilding.

*When I was a child, I couldn't differentiate between the roles of police and soldiers. They were all mixed together. [...] There was a time when the head of the soldiers came to listen to the problem. But there seems to be a matter of benefit involved. There should be more checks and balances of power." —Male youth activist, Bangkok.*

It is clear that preventing the recurrence of violence in the future is dependent on the government's approach to conflict resolution. If there is a focus on resolving past and ongoing

In addition to the role of the military, many political activists from the PAR in Ubon Ratchathani and Bangkok expressed concerns about the role of the monarchy in Thai politics. Some regard the monarchy as the ultimate institution to be reformed while others see the situation as a more complicated power dynamic between the military and monarchy. Distrust also extends to the judicial system, which is perceived as upholding and reinforcing a culture of militarisation, in particular through judicial harassment of pro-democracy activists.

32 M. Benson, I. Gizelis. *Militarisation and Women's Empowerment in Post-Conflict Situations*. (UN Women, June 2022), 1-6.

conflicts and a genuine investment in peacebuilding, there could be justice for victims and their families which would act as a deterrent for future violence. Some anticipate there will be a resurgence of violence as a result of perceived injustices and ineffective conflict resolution. Participants described disillusionment with past approaches, which they believed showed an unwillingness of the government to put an immediate end to the conflict and ensure accountability for past violations. Participants stressed the need for truth-seeking processes.

### *Southern Border Provinces*

The Southern Border Provinces have been subject to special laws since 2004 resulting in the region being one of the most militarised areas in Thailand. In 2023, there were a total of 2,393 security checkpoints in the region.<sup>33</sup> These are used to stop Malay-Muslims and subject them to searches, ID checks<sup>34</sup>, and questions, often on an arbitrary and discriminatory basis. Evidence of significant militarisation can be seen in the ISOC military budget, three quarters of which is spent on Southern Border issues. In July 2023, the military announced that this would be increased in a bid to address disputes and prioritise security issues.<sup>35</sup> It was clear from the research that participants felt funding should be directed towards peacebuilding efforts and not towards further militarisation of the area.

During the participatory research process, participants discussed whether they believe the younger generation would use non-violent means to resolve conflict. Some participants stated that it would depend on the situation at the time, as well as the actions of the government. They felt that it was a real possibility that government unwillingness to compromise could increase violence in the Deep South. Some participants explained that if communities, in particular youth, saw that non-violent ways of addressing conflict did not work, violence could recur in the future. Other participants believed that young people would not use violence because they have seen and experienced first-hand the devastating impact on the community.

*This is difficult to predict, but I can imagine a few potential outcomes. Whether or not they will use violence depends on justice from the government. If there is justice, it is possible that the next generation will use non-violent ways to deal with conflicts. However, this will be impossible as long as the justice system does not progress.*—Male Human Rights Defender, Deep South.

## **Participation and inclusion - creating a space to determine our future**

**Key Finding:** *There has been a positive shift towards the inclusion of marginalised groups in peacebuilding processes, empowering more people to voice their concerns and advocate for change. Changes in law and the emergence of new and diverse movements are also signs of progress. Equal access to and public participation in politics remain vital to ensure Thais are given a voice in decisions. However, significant barriers remain, including fear of reprisals from authorities and criminal punishment through the use of repressive laws. In order for there to be full and equal access, abusive laws must be reformed and all barriers to freedom of expression removed. In addition, peacebuilding initiatives must ensure the meaningful inclusion of diverse voices at all stages, in particular those from marginalised communities.*

### *Nationwide*

Participation and inclusion within the diverse socio-cultural landscape of Thailand occurs in various ways and there are distinct interpretations of what constitutes each across different areas and communities. Local cultures and contexts play a pivotal role in shaping the understanding and practice of participation. While people in central regions such as Bangkok demonstrate an eagerness to voice their opinions and actively engage in public life, those in the Southern

33 Press Release, The Commander of the 4th Army Region reveals the guidelines for reducing the military force of 3 provinces, Kor. R.R. Region 4 Police, 1 July 2023, accessed 28 June 2024, <<https://www.southpeace.go.th/?p=80810>>.

34 Ibid., <<https://www.southpeace.go.th/?p=80810>>.

35 From the debate of the ISOC budget by member of parliament, Ramadan Panjor, accessed 5 May 2024, <[https://www.facebook.com/RomadonPanjor?locale=th\\_TH](https://www.facebook.com/RomadonPanjor?locale=th_TH)>.

Border Provinces, in particular the Malay-Muslim community, face significant barriers to participate meaningfully. The situation is exacerbated for women and children/youth. Despite this, there have been recent positive trends towards greater inclusion of marginalised groups in peacebuilding processes and participants described feeling increasingly empowered to voice their opinions and concerns. One participant traced this to changes in legislation and the emergence of new social and political movements with a strong focus on enhancing the participation of diverse groups.

*Society and new laws are on their way. There are also more and more new movements concerned with participation of different groups.* —Non-binary youth activist, Bangkok.

Within the political sphere, participants emphasised the need for individuals to be represented in parliament, which they saw as a crucial step to improving access and participation.

*I believe that making the government more accessible will be beneficial. People will be heard and allowed to express themselves more easily.* —Male youth activist, Deep South.

However, a significant obstacle to progress is the existence of the military-appointed senate, which wields considerable influence within the parliament. The senate has been responsible for blocking the people's push for democracy including by preventing the Move Forward Party candidate Pita Limjaroenrat from becoming Thailand's Prime Minister following the May 2023 general elections. As a result, it is perceived as undermining aspirations for increased public participation in politics.

*If the senate still exists in the parliament, participation of the people [in politics] will not get better.* —Male youth activist, Bangkok.

## Southern Border Provinces

Conflict in Southern Thailand has had especially damaging impacts on peoples' ability and willingness to participate in public and political life. Militarisation, insecurity, and discrimination all create barriers to public participation. This is especially the case for women, who face intersecting forms of discrimination. The situation is exacerbated by the use of repressive laws, such as the Computer Crimes Act and Martial Law, to criminalise those speaking out. Such is the risk of reprisal that some families actively prevent or discourage young people from voicing their opinions, especially in political matters. State-censorship therefore also facilitates a culture of self- and community censorship. One participant explained.

*When I started university, I participated in activities about peace and the role of women. My family was worried. I didn't tell them [what I was doing] because I was afraid they wouldn't let me go. Recently, they said they didn't want me to go to university because they were afraid I would become very active in the movement and they were worried it would harm our family.* —Female Youth Activist, Deep South.

Participants explained that fear that their family members could be targeted meant that activists often found themselves making difficult decisions about whether to disclose the nature of their involvement in political activities with their families.

Ethnic and religious discrimination by the authorities against Malay-Muslim communities also inhibits participation and inclusion. For example, participants explained that when Malay-Muslims pass through checkpoints, government officials often suspect them of being linked to separatist groups and treat them differently to Thai Buddhists, subjecting them to searches and questioning. One participant explained:

*At a checkpoint, [the police] won't stop a motorbike driven by a Buddhist; instead, they will stop one driven by a Muslim. If it's a guy or an adolescent, they will request an inspection.* —Female human rights defender, Deep South.

When it comes to peace processes in the Deep South, there are significant barriers to the equal participation of all members of the community. Participation of women and youth remains low and their representation is not equal to that of the military, government officials and separatist leaders. Leaders of peace negotiations are almost all men, meaning women are effectively





A key issue which came up repeatedly during the research process was the lack of trust in state officials and institutions. This was especially the case of institutions dominated by the military.

*If the Prayuth's senators [the military] are still in parliament, nothing will get better.*—Male youth activist, Bangkok.

It also extends to governmental accountability for their engagement with the monarchy. One participant reflected.

*We do not trust parliament if it is subject to the monarchy.*—Female youth activist, Bangkok.

There was also a strong perception that, when it came to justice for past and ongoing violations, political leaders often act in their own individual or party political interest, rather than in accordance with ethics and respect for the rule of law.

*They [politicians] should have some ethics. We expect them to be connected to the people, not [act] as someone who is unreliable or just trying to keep their party alive.*—Male youth activist, Bangkok.

Participants stressed that greater transparency from government officials was key. Similarly, many felt that the inclusion of ordinary people in political spaces would be essential to ensure transparent and accountable decision-making. Failure to increase inclusion, transparency, and accountability would likely lead to further distrust in the government and elected officials. Participants also expressed concern about what they perceived to be a disconnect between the behaviour institutions and societal norms. For example, some noted that the monarchy is considered by many to be 'above' the constitution although it claims to be subject to the constitution. Questions remain about the role and accountability of the monarchy within the legal structure.

*We speak in terms of the institution, the system, and their regime as well [the monarchy] that it doesn't adapt to society at all. It is the only institution not even included in the most obvious framework specified in the Constitution.*—Male youth activist, Bangkok.

For there to be accountability at the national level, there needs to be a system of checks and balances that are enforced by the executive, the legislative and the judiciary.

*The essential part is having checks and balances on sovereign power. It is something that the legislature, the judiciary, and the executive should control. It should be checked, but nowadays, it's not.*—Male youth activist, Bangkok.

As part of the executive, the police and military must act independently of the judiciary to ensure there is a separation of powers and accountability for any government officials suspected of being involved in human rights violations.

*There is mutual assistance between the judiciary and the police. Including prosecutors who help protect each other. Government agencies and organisations continue to protect government officials who use violence so that they can continue their work. These government officials in turn gained career advancement.*—Male family member of a victim of torture, Bangkok.

## Southern Border Provinces

In the Deep South, special laws grant authorities overwhelming power with almost no oversight. Violations committed by authorities are often ignored and in practice, it is virtually impossible to hold military officials to account. While there have been a number of efforts led by CSOs, victims' groups and local media to uncover the truth behind violent incidents, these initiatives alone have not led to significant change.

The government has shown little commitment to truth-seeking, holding perpetrators accountable or acknowledging past violations. One such example is the case of Abdulloh Isomuso who died as a result of injuries sustained while in military custody. A court ruled that there was insufficient evidence to determine who was responsible. The calls for accountability and the truth remain unanswered as one participant reflected:

*A commission investigated the truth after the incident. However, [they said that] the cause of death is just suffocation. Whatever the true reason, society is still at a loss for solutions. This is how it is.*—Male human rights defender, Deep South.

Participants described a long-standing pattern of impunity for violent incidents in the Deep South, especially those involving arrest, detention and death in custody. For there to be justice for victims of violence and their families, perpetrators must be held to account. However, participants observed that on the contrary, suspected perpetrators were seldom prosecuted, further fuelling mistrust in the administration of justice. Recalling one incident, a participant explained:

*The individuals responsible for the tragedy received promotions and kept their jobs. People no longer trust the legal system, particularly when it comes to violations brought about by the conduct of military personnel.*—Male human rights defender, Deep South.

For the last two decades, special laws have permitted the military to act with complete impunity. One example where the perpetrators have yet to be held to account is the Pulo Puyo shooting. One participant stated:

*The law is unable to punish the wrongdoers. Why aren't the offenders facing legal action?*—Female human rights defender, Deep South.

Without accountability for these crimes, justice cannot be served for victims and their families. One step towards greater accountability and improved processes for the prosecution of guilty parties has been the recent enforcement of *the Act on Prevention and Suppression of Torture and Enforced Disappearance*. The law provides greater protection against torture and enforced disappearance, however in order to be effective, enforcement must be supported by an independent and impartial judiciary as well as a change in the mindset of state officials, in particular the military and police.

## Towards gender justice in Thailand

**Key Finding:** *Women and LGBTQIA+ people affected by conflict are at an increased risk of unequal treatment and gender-based violence. Official institutions do not adopt a gender perspective and discrimination persists across different contexts, including in equal access to employment opportunities and education. Despite progress, women and gender diverse people continue to face barriers, which stem from patriarchal structures and attitudes which prioritise the participation of men in political and social spheres.*

The construction of gender within society significantly impacts the way different people experience conflict. It is therefore vital to understand the different ways women, men, and gender diverse people experience conflict.<sup>36</sup> Gender justice refers to a framework which builds on the principle of equality between women and men which develops strategies to prevent discrimination and violence based on gender.<sup>37</sup>

In Thailand, socially constructed gender stereotypes mean that men and boys are often at greater risk of forced recruitment into armed groups, meaning that there are often more male victims of killings, torture and forced disappearances, in particular in the south of the country. Women and gender diverse people experience different forms of violence and violations during and in the aftermath of conflict. This includes displacement, trafficking, gender-based violence and discrimination. Even in their own homes, many women continue to face violence. Female human rights defenders are subjected to hate speech, especially online, and are often targeted with comments about their sexuality or threatening sexual violence. While particularly common in the Deep South, this pattern also occurs nationwide.

Discrimination against women and LGBTQIA+ people is often unacknowledged and unreported, contributing to a culture of impunity which allows gender-based violence to occur

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<sup>36</sup> Asia Justice and Rights, *Transitional Justice Handbook*, AJAR January 2023, <[https://asia-ajar.org/wp-content/uploads/2023/03/TJ-Handbook\\_Jan23.pdf](https://asia-ajar.org/wp-content/uploads/2023/03/TJ-Handbook_Jan23.pdf)> 10-79.

<sup>37</sup> *Ibid.*, 162.

unchecked and with near total impunity. Women and LGBTQIA+ participants discussed their experiences of discrimination within their families and society as a whole, explaining that they experienced unequal treatment and based on their gender from a young age.

## Nationwide

Nationally, although discussions about gender equality and diversity have become more prominent thanks to advocacy for the Marriage Equality Bill and legal abortion, patriarchal attitudes and gender stereotypes persist, in particular in social and political spaces. Participants explained that discriminatory attitudes towards women and girls begin at a very young age, noting that in many families.

*When the child turns out not to be a boy, they [the parents] are disappointed and don't want to continue raising her.*—Female youth activist, Bangkok.

Participants observed that in Thailand, the number of female state officials is disproportionately low, especially in the security sector and political sphere. One participant pointed out despite the low representation of women in the security sector, there have been recent attempts at “pinkwashing” – promoting the inclusion of women and gender diverse people within the security forces sector while continuing to commit acts of violence and repression against those very same communities.

*I think about the police station, there are not many women's restrooms in the station. Furthermore, a female police force (Gong Roi Nam Wan)<sup>38</sup> also comes from the concept that women come with peace which is an inaccurate perception.*—Non-binary youth activist, Bangkok.

## Southern Border Provinces

Since 2004, at least 655 women and children have been killed and 2,474 injured in the areas of Southern Thailand impacted by the armed conflict.<sup>39</sup> Women continue to face challenges economically and socially and are disproportionately impacted by gender-based violence which can include sexual assault, sexual slavery, forced prostitution, forced marriage, human trafficking as well as non-consensual body searches. According to a recent study by Duayjai Group, this number has steadily decreased from 2017. The participatory action research indicates that women have more opportunities to participate in political and social life as well as family decision-making processes. However, despite this progress, there remain barriers to equal participation of women in the peacebuilding process:

*I believe they [women and men] are treated differently in certain situations. However, power also plays a significant role in this, and it can vary depending on the people you involve. Even though women have more power [than before], they can be overlooked by some individuals because of their gender.*—Female human rights defender, Deep South.

In the context of employment and equal access to employment opportunities, participants indicated that gender discrimination persists:

*I would like to provide an example of a PE [physical education] teacher. I saw that the school was looking to hire a PE teacher. Both men and women applied, but only men were chosen. A degree appears to be meaningless here.*—Female human rights defender, Deep South.

According to research on gender and reparations conducted by Duayjai Group, women in the south have been exposed to sieges, raids, detentions and prosecutions.<sup>40</sup> One of the significant impacts on women and children is the socio-economic burden faced as a result of losing their husbands, fathers or sons to the violence.

Men continue to be the primary victims of direct violence through recruiting and the use of youth by armed groups. As a result, Malay-Muslim men are perceived by the state as having participated in separatist groups or acts of violence and are monitored, stereotyped and targeted.

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38 กองร้อยนำหวาน in Thai.

39 Unpublished research on gender and reparations, Duayjai Group and AJAR

40 Ibid., 5.



According to the Center for Conflict Studies and Cultural Diversity (CSCD), men are often detained in security-related cases which involve detention and trial as well as being targeted as a result of government “watchlists”. Even after charges are dropped and/or they are released, they continue to feel the impacts both within their families and wider communities, for example suffering negative economic impacts from disrupted livelihoods as well as social stigma.<sup>41</sup> Young men and boys between the ages of 15-25 are especially affected.

Women, men, girls, boys and gender diverse people have different experiences of conflict and as a result often have different priorities when it comes to transitional justice and peacebuilding initiatives.<sup>42</sup> As a result, it is important to ensure gender and gender justice are mainstreamed throughout efforts to address conflict. Creating safe spaces where participants can truly reflect on their experiences are essential. In addition, greater focus on diverse groups, in particular with members of the LGBTQIA+ community, is needed to ensure their experiences of gender inequality are properly addressed.

## The importance of truth - the resilience for survivors

**Key Finding:** *Survivors’ resilience is driven by a sense of responsibility to their families and a belief in the importance of accountability. In the Southern Border Provinces, people often draw on their religious beliefs and community networks to cope with their experiences. Comprehensive support programs are required to address victims’ needs and support community resilience. They should adopt a holistic approach with an emphasis on access to justice, education, employment, and physical, mental, and psychosocial health services.*

### Nationwide

Resilience involves interactions between individuals and their environments which foster positive psychological, physical, and social development. An environment can be defined as institutions, community services or relationships that provide individuals with the internal and external resources needed to deal with trauma. This requires an analysis of how systems—including governance, education, health, human rights and legal systems—support people to address the trauma caused by extreme forms of marginalisation (e.g., racism, homophobia, poverty) or social disruption (e.g., armed conflict, human rights violations, war crimes and genocide). The provision of these services and improving systems is an important and necessary part of transitional justice and peacebuilding practices. Understanding resilience involves working with affected people, communities and service providers to understand how survivors cope with past violations and navigate the aftermath. One participant shared their experience of finding comfort within the political movement:

*[After I lost my dad] I joined protests many times. I feel we have to make a change and I need to be a part of that. —Male relative of a victim of enforced disappearance, Ubon Ratchathani.*

By participating in advocacy activities linked to the violations they or their loved ones have suffered, people are able to raise awareness in the hope they will not occur to anyone again.

*I tried to participate in the enforced disappearance activities because I feel that these things should not happen to anyone just because they have different views. I feel that Thai society is brutal, you can be targeted just because of a difference. So, I tried to be involved more and more. —Male relative of a victim of enforced disappearance, Ubon Ratchathani.*

Despite the hardships experienced during the long search for justice, some participants said they chose to advocate for justice by thinking about their family.

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41 Center for Conflict Studies and Cultural Diversity, *Men and Youth in Thailand’s Conflict – Affected Deep South*, Report CSCD (Thailand: December 2014).

42 Asia Justice and Rights, *Transitional Justice Handbook*, AJAR January 2023, <[https://asia-ajar.org/wp-content/uploads/2023/03/TJ-Handbook\\_Jan23.pdf](https://asia-ajar.org/wp-content/uploads/2023/03/TJ-Handbook_Jan23.pdf)> 10-79.

*I have been fighting for justice for over 16 years. I feel tired but I am the head of the family so whenever I feel tired, I think about my family – my wife and my son. Because if I stop, they will fall too. I have to be strong for them.* —Male relative of a victim of torture, Bangkok.

The resilience of these individuals goes beyond personal endurance and becomes a source of collective strength as they grapple with the complexities of seeking justice in the face of entrenched impunity. As one participant reflected, the commitment of victims and their families to raise awareness of past human rights violations arises from a deep-seated belief that such injustices should never happen again. This collective response is informed by shared experience of human rights violations, and it is through this that communities have been able to build resilience in the form of support networks, service provision, education and advocacy programs. It is essential to identify and support such locally-led initiatives, as they not only foster enduring resilience for individuals and communities impacted by conflict and trauma, they offer models that can be used to support national level initiatives.

### **Southern Border Provinces**

There are many victims who have been impacted by conflict in the Deep South. The psychological trauma created by experiences of conflict continues to impact both survivors and their families, affecting their access to social and cultural rights such as employment, education and quality of life.

*Previously, my family was not concerned [about the presence of security forces]. My mother was alone after the death of my father, so she feared that soldiers might raid our home. She is quite anxious.* —Female youth activist, Deep South.

Much of the work on trauma healing with victims and survivors has been initiated by local CSOs. The activities range from house visits to community-based activities such as playing sports and commemorations. However, there have been few government-led initiatives. Indeed, the government's response has been criticised for prioritising financial compensation for victims over addressing the root causes of violence. Some financial and psychosocial assistance has been provided to victims of violence through the Southern Border Province Administration Centre (SBPAC), however not all families are included. Those affected by violence perpetrated by non-state actors can more easily access state remedies, including physical and psychological rehabilitation, and professional support. However, victims of violations by state actors face difficulty accessing remedies, in particular justice through criminal prosecutions.

Through the research process it became evident that some people – whether Buddhist or Muslim – address trauma and seek counsel through religious practice. Some see their experience as a test from God. Despite this, the deepest desire is to know the truth about what happened and who was responsible.

While religion plays a role in resilience and acceptance, it is not a long term resilience program and therefore does not provide a full response to needs, such as livelihood subsistence, justice through accountability and the right to truth. From the research it was clear that personal resilience programs are informally designed through community and family safety nets, self-care exercises and self-reflection training. While these informal networks play a significant role in supporting those impacted by conflict, they require formalisation and much greater support by the government, ideally within the framework of state-led reparations program. In addition, ensuring long-term resilience requires accessible economic, social and psychological support for victims, survivors and their families.

# Chapter 3: Transitional justice and peacebuilding initiatives

## What truth-seeking processes have occurred on the national level?

**T**he **Truth for Reconciliation Commission of Thailand (TRCT)** was established by former Prime Minister Abhisit Vejjajiva's government from 2008 to 2011. Its purpose was to investigate and establish the truth regarding the unrest and violence during the crackdown of the Red Shirt protests in 2010. However, the Commission did not aim to identify wrongdoers or prosecute them in a court of law. As a result, the TRCT and its final report sparked much criticism. The Commission was also highly politicised by both sides of the conflict, further undermining its ability to promote reconciliation in a polarised Thai society. The Red Shirts and their supporters rejected the report completely claiming it was biased and shifted the blame to the protesters for the violence. Conversely, the pro-military side seemed to use the report to justify the use of lethal force while demanding the implementation of financial reparation from the government.

As a counter-narrative, the **People's Information Center: The April-May 2010 Crackdowns (PIC)** was established by activists, lawyers, and academics. The goal was to gather information and conduct fact-finding on the crackdown of the Red Shirt protesters and to act as an independent truth commission offering a different perspective to the one presented by the TRCT. The PIC report focused on information and statements from witnesses and victims of military crackdowns. It also advocated for accountability for authorities and the military by highlighting human rights violations as a result of the army crackdown on the Red Shirt demonstration, as well as government misinformation that was used to justify the excessive force used.

## What truth-seeking processes have occurred in the South?

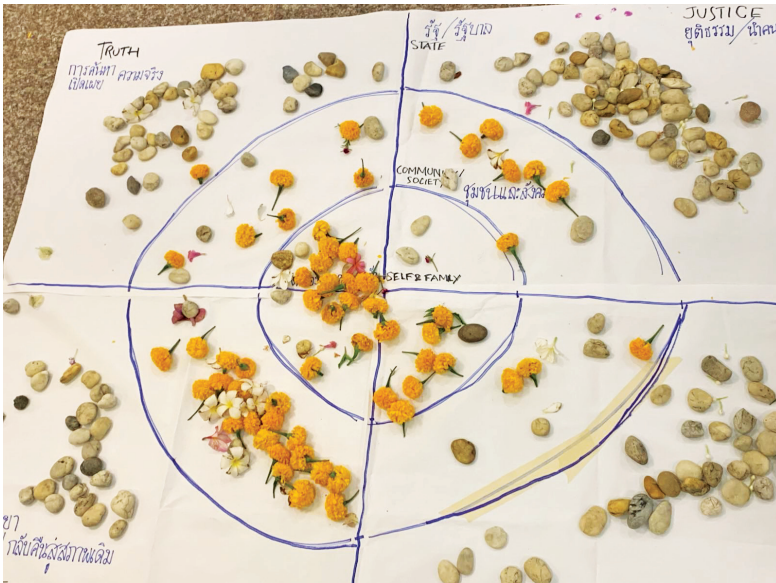
After the Tak Bai massacre, Krue Se incident and the Narathiwat armed robbery, all in 2004, Prime Minister Thaksin Shinawatra's government established the National Reconciliation Commission (NRC) in 2005 to provide recommendations on policy and measures for victims.

After 2006, Thaksin Shinawatra was ousted by a military coup, with Surayud Chulanont appointed Prime Minister for a short time. Surayud Chulanont played a significant role in the development of truth-seeking on a national level. For example, he made a public apology to the victims of the Tak Bai massacre. While the apology was an important symbolic move, the truth has yet to be established about what happened and who was responsible. One male participant explained that even when investigations take place, they can fall short in adequately addressing the past:

*[Following an insurgency or conflict] There will be arrests and investigations And when a major or serious incident occurs - a commission will be set up - like in the case of Tak Bai. While there is a search for the truth, investigating the truth takes a long time particularly when villagers and the general public still do not know what the truth is. It seems there is judgement cast [by the community] before there is an outcome to the investigation. —Male human rights defender, Deep South.*

It is important for truth-seeking processes to ensure the participation and involvement of affected communities. However, there remain significant gaps in equal representation of state officials and religious leaders to victims, their families and CSOs:

As far as I know, there were many representatives from different sectors in the commission for the Krue Se incident, which included religious leaders and others, but the Tak Bai massacre looks like most of the commissions are state officials. —Female human rights defender, Deep South.



Stone and Flower

It is important to involve the community in formal transitional justice mechanisms to ensure there is ownership of the process and confidence in the ability of the process to deliver outcomes for victims. In addition to formal transitional justice mechanisms, CSOs play an important role in truth-seeking, for example by listening to and collecting evidence from victims reporting violations to international accountability mechanisms. Despite there being many truth-seeking mechanisms at the local and national levels, these initiatives still have not

provided closure for many families nor have they been able to address the root causes of conflict. Furthermore, involvement in formal processes has led to fear of reprisals by authorities.

*I've been informed that when we report something, the authorities may regulate or restrict us.* —Male, Southern Border Provinces.

## Justice

**Key Finding:** *Perpetrators of serious human rights violations are seldom held to account. Victims, survivors and their families continue to be denied their rights to justice and redress.*

There has been a serious lack of justice for victims of serious human rights violations and their families in Thailand. Several high profile incidents have yet to be fully investigated and those responsible held account—despite consistent and vocal demands by civil society.<sup>43</sup> In some cases, such as the 2004 Tak Bai massacre, the situation is especially pressing as the statute of limitations for criminal prosecutions is due to expire in 2024. Meanwhile, those suspected of responsibility, including those in positions of command responsibility, have enjoyed continued power, influence, and even promotion to higher positions. Failure to ensure accountability further entrenches a culture of impunity and means that the rights of victims and their families—such as those in Tak Bai—are denied and their demands unanswered.

## Reparations

**Key Finding:** *Reparation efforts intended to help victims rebuild their lives still leave many people behind or completely exclude them from support.*

Thailand has implemented some reparation initiatives in the transitional justice process in particular in the Deep South, however provision is extremely patchy. High-profile cases will often result in some form of financial compensation, as was the case when the government provided limited financial assistance to families of victims killed during the crackdown on the Red Shirt protests. At the same time, there are numerous other cases where individuals tortured by security forces in detention or subjected to other human rights violations have not received

43 Manushya Foundation, "Impunity over Malay-Muslim killings in Thailand: 19 years since the Tak Bai massacre," accessed 30 April 2024, <<https://www.manushyafoundation.org/post/impunity-over-malay-muslim-killings-in-thailand-october25-19-years-since-the-tak-bai-massacre>>.



any support, acknowledgement, or reparations. Reparations are a key component of recognising victims' rights and to offering some closure for victims and their families. During the participatory research process, one participant reflected that not receiving reparation from the government meant they never felt the satisfaction of being "healed".

## Guarantees of non-recurrence and institutional reform

**Key Finding:** *There is a significant need for institutional reform, with a focus on the impartiality and separation of state institutions: the Executive, the judiciary, the legislature and the monarchy. Equally important is the abolition of repressive legislation to ensure compliance with international human rights law and standards. In the case of the Deep South, the imposition of arbitrary and discriminatory special laws should be revoked.*

There are widespread public demands for institutional reform, and this remains key to the transitional justice process. In particular there is a focus on calls for reform of the monarchy. Despite these calls, formal initiatives to reform the monarchy as an institution have yet to materialise due to various structural, political and cultural factors underscoring these institutions. This has led to perceptions that institutions in Thailand do not effectively adapt to societal needs and lack transparency and accountability. From the participatory research, it became evident that there are perceptions of injustice and bias within the legal system. Participants were critical of unfair court rulings, arbitrary use of power by law enforcement agencies and selective prosecutions, particularly in political cases.

*The court ruled unfairly. The court's decision is not fair at all. [the authorities are] using [legal] cases to keep people quiet. —Male youth activist, Bangkok.*

Unfair treatment and biased judgments contribute to a broader perception of systemic injustice. This is further embedded by restrictions on freedom of expression and freedom of association by security forces.

Participants also noted problems with impartiality and the separation of powers between the executive, security forces and the judiciary, which have led to a distrust in public officials. One example of this is the different approaches based on alleged crimes, with those facing lèse-majesté charges almost certainly having their cases filed regardless of the evidence or strength of the case. One participant noted:

*But they [public officials including police, public prosecutors] serve the state even though their salaries come from the people. Prosecutors are similar to the courts in that some cases do not meet all the criteria. But if it were [a lèse-majesté case], it would be seen that every case would be filed. —Male youth activist, Bangkok.*

To respond to these challenges participants proposed the need for initiatives aimed at restoring the dignity of people falsely accused of committing acts of violence. In the Deep South, where individuals accused of crimes face social stigma, it is essential there are institutional measures aimed at rectifying public perceptions and providing justice to those wrongfully accused or acquitted. This could include public announcements acknowledging the acquittal, the person's innocence or media campaigns aimed at dispelling misconceptions and stigma.

*When someone is arrested and detained, news might emerge from the ISOC portraying the accused as a criminal or a bad person. However, when the court decides the individual is innocent, and the case is dismissed, there should be a public announcement apologising for wrongly accusing the individual. Mainstream media should also release news asserting the person's innocence. —Human rights defender, Deep South.*

*Consider a situation where a suspect is arrested for something. After being released, society may brand them as a criminal. Unfortunately, officials often don't come forward to rectify this perception, leaving the individual feeling like a prisoner of society. I wish for government officials involved to provide justice in such cases. —Human rights defender, Deep South*

Institutional reforms need to be aimed at abolishing repressive laws. Participants stated that the abolition of repressive laws and decentralisation would be an important starting point.

One step towards greater accountability and improved processes for the prosecution of perpetrators of human rights violations has been the enforcement of the *Act on Prevention and*

*Suppression of Torture and Enforced Disappearance.* This legislation came into effect on 22 February 2023 and will greatly improve the ability to hold perpetrators accountable in cases of torture and enforced disappearance. Many provisions, in particular Section 3 of the Act, introduce important safeguards, for example requiring state officials to record at all stages of the arrest and detention process, document the information of the arrestee and notify other state agencies of the arrest. It provides an important legal framework for truth, justice and effective remedy including compensations to the families and it is hoped will lead to greater protections against torture and enforced disappearance.

In the Deep South, the government currently provides some limited financial reparation for the families of victims who have died as a result of ongoing conflict. The Southern Border Provinces Administrative Center (SBPAC) has an initiative for financially supporting those impacted by the loss of a loved one, for example small grants to start a business or facilitate employment opportunities. They also provide scholarships for children of parents killed during the conflict. However, not all children are eligible for this scheme – those whose parents are suspected of involvement in violence do not receive any kind of government support. As a result, a number of local CSOs provide support to victims and their families. This includes house visits and community-based activities such as sporting or commemorative events. In comparison, government engagement beyond financial compensation is extremely limited, meaning there is little support for ongoing social and economic needs, including mental health needs of victims. One human rights defender from the Deep South stressed the importance of an approach which moves beyond financial reparation and supports in reinstating a sense of dignity and agency for victims and their families:

*There should be continuous follow-up to monitor progress and assess the quality of life, encompassing the family, children, education, and career advancement. While these things may not fully restore the situation to its pre-incident state, they can, at least, contribute to reinstating dignity and humanity for all those impacted, be it through policy, torture, hardship, death, or any other form of suffering.* —Human rights defender, Deep South.

## What peacebuilding initiatives have occurred?

### *The People's Amnesty Bill*

According to Thai Lawyers for Human Rights, from the military coup in 2006 until January 2024 at least 5,027 people had been prosecuted for exercising their rights to freedom of expression and peaceful assembly.<sup>44</sup> Of these, at least one third of prosecutions have occurred in the four years from 2020 to 2024.<sup>45</sup> Between September 2023 and January 2024, there had been 51 trials under the *lèse-majesté* law, with 41 of these resulting in a prison sentence.<sup>46</sup>

In response to the growing criminalisation of people exercising their rights to freedom of expression and assembly, a network of Thai CSOs including CrCF proposed an Amnesty Bill for victims of political prosecution. In February 2024, the network collected signatures from eligible voters to introduce the Draft Amnesty for People Act B.E (Amnesty Bill) into parliament. It seeks to provide amnesty to people who have exercised their rights to freedom of expression and peaceful assembly and who have been prosecuted under the *lèse-majesté* law and Computer Crimes Act.

### Peace Process initiated by Thai government

There have been multiple attempts to initiate peace talks following the escalation of conflict in the Deep South since 2004. Most of these have been ineffective, however, the first peace process initiated by Yingluck Shinawatra's government in 2013, resulted in meaningful dialogue for the first time. This was between Lt. General Paradorn Pattanathabutr, Secretary-General of the National Security Council representative of Thailand and Hashan Tayip, representative of BRN

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44 Thai Lawyers for Human Rights, "What is the People's Amnesty Bill? And Why Does Thailand Need It?" 22 February 2024, accessed 16 April 2024, <<https://tlhr2014.com/en/archives/64998>>.

45 Ibid.

46 Ibid.

Malaysia and facilitator of the discussion - and resulted in an agreement known as the “General consensus concerning peace talks” a framework under the Thai Constitution. Despite this progress, the process was interrupted by the 2014 coup d'état. Under the government of Prayuth Chan-o-cha, two new military negotiators were appointed between 2014 and 2023. In November 2023, for the first time in the history of the negotiations a civilian - Chatchai Bangchud, a Deputy Secretary-General of the National Security Council (NSC) - rather than a representative from the military was chosen by the government to lead negotiations. Unfortunately however, the structure of the negotiation team remains the same and consists of senior government and military officials with limited observation by, or involvement of, affected communities.

### *Internal Peace Process*

The Internal Peace Process (IPP) is an initiative founded by the Peace Resource Center (PRC) together with Deep South Watch in 2011 - two years before the peace negotiations under the government of Yingluck Shinawatra started. The IPP aims to analyse the root cause of conflict and to gather perspectives from different stakeholders who have been impacted by conflict in the SPBs or can provide expertise and advice on strategies for developing peace. The initiative includes 60-100 members from diverse backgrounds, including academics, local activists, activists from outside the area, and representatives of the affected community. The methodology applies several tools to analyse conflict situations such as actor mapping and community-based narratives. Despite the disruption of the Peace Process in 2014 due to the coup d'état, the IPP continues to hold dialogues. It has also developed this dialogue to include youth and Thai-Buddhist groups.

### *Coordination Center for Women and Children (CCWC)*

The Coordination Center for Women and Children (CCWC) is a mechanism established in 2019 with support of the SBPAC and the Ministry of Social Development and Human Security. The CCWC's mission aims to implement measures and guidelines on women, children and the promotion of peace and security, to effectively raise awareness on and ensure protection of the rights of women and children. The CCWC consists of consultants, government officials and civil society representatives which come from religious organisations, government agencies, educational institutions and civil society organisations both inside and outside of the southern border provinces. Its operation coordinates and promotes participation between the public sector regarding children and women, including organisations in all sectors in the form of a committee. However, those represented on the committee are mostly selected by government agencies.

Some of the CCWC's stated aims are directly related to transitional justice and peacebuilding, for example enhancing access to the justice system and reparation, promoting the rights of children, women and peace and security. One of the CCWC current roles is to organise a committee meeting to collect and distribute information as well as coordinating with other external organisations. In resolving problems related to violations, conflict and peace, the CCWC does not have official authority and instead plays a coordinating role. Because of this, it remains neither an active or effective role in driving the peacebuilding process.

## Chapter 4: Lessons Learned

One of the key strengths of this research is the diverse participation of survivors, victims' groups and representatives from CSOs from across the country. The research was conducted at a time which allowed many participants from across Thailand to engage with the process. Looking back at the political uprisings and large demonstrations across the country in 2020 and 2021 there may not have been an opportunity to meet and speak with many of the participants in the midst of these movements.

This was the first time that CrCF has used a participatory research approach, working together with victims and civil society organisations to collect data that will support advocacy efforts and contribute to developing peacebuilding initiatives nationally. As PAR requires the willingness of participants, and this can be an inherent challenge with people that have been silenced for so long, CrCF and Duayjai Group were able to draw on long standing connections and relationships built with victims and victims' groups. Despite challenges within the research process itself, CrCF and Duayjai Group have continued to build trust with communities by creating space for participants to share their stories, articulate their needs and collectively discuss what is meant by truth and justice when considering transitional justice in Thailand into the future.

Some limitations impacted CrCF's ability to collect data from participants. Transitional justice is still a relatively new concept in Thailand, especially among political activists. Therefore, it takes time to provide information and examples to increase knowledge and understanding of the topic before being able to fully capture participants' experience, perspectives and emotions. Two key reflections arising from the first PAR process were the importance of clearly explaining the activity to ensure the purpose and potential of the research is clear for all participants and to facilitate the inclusion of multiple perspectives to ensure the research outcomes are not heavily skewed.

Through the research process, it became clear that visual activities were a useful tool to help participants conceptualise thoughts and ideas. For example, the Stone and Flower activity helped explore participants' past and present realities using stones and flowers as visual symbols. In future, rather than focusing on experiences of stress, anxiety and fear – symbolised by the stone – one strategy could be to focus on positive messaging symbolised through flowers, for example what is needed in terms of access to school, employment opportunities, and psychosocial support.

The House of Peace methodology, which looks at building peace after mass atrocities,



House of Peace Deep South



also offered useful learning opportunities. During the activity, participants discussed the importance of community and the role it plays in their lives. By describing a “Village of Peace”, participants could have more in-depth discussions about their visions for peace and the role of others in supporting this. In future, this reframing could allow discussion of more abstract concepts, such as civil protection.

From the research process it became clear that gaps can exist between participants themselves. A key learning was in the PAR research conducted in Ubon Ratchathani with fifteen participants over 2.5 days. These participants were from diverse backgrounds and ages which resulted in intergenerational gaps in participants’ experiences of conflict and understanding of transitional justice. From this, it became clear that additional time was needed for participants to develop relationships between each other and to gain an understanding of each other’s contexts and experiences.

This was further identified in the House of Peace research with local CSOs and university students from the Deep South. One of the key learnings from this was the importance of ensuring that perspectives are balanced ensuring there is representation from different ethnic and religious groups. For example, there were fourteen Malay-Muslim participants and only one Buddhist participant. Providing safe spaces is also extremely important – in future, similar activities will require separate workshops for participants before coming together in one workshop.

These learnings have provided CrCF with a better understanding of ways to ensure that future research workshops are conducted in a way that ensures the full participation and inclusion of participants and allow time to focus on building mutual trust and understanding. Furthermore, by identifying the gaps in victims’ knowledge and understanding of transitional justice, CrCF is able to focus future activities and research on bridging these gaps and building victims’ understanding of the potential of transitional justice processes in Thailand.

# Chapter 5: Conclusion and recommendations

## A way forward

*In terms of the peace process, I would like to see more participation from the public. The government needs to open space for us to determine our future and put an end to the violence.*—Male youth activist, Deep South

Thailand is a country that has been marked by military coups, conflict and religious tensions for decades. Peace and accountability have often been left out of the national conversation, defeated by other political problems and priorities. In addition to this, the continued application of repressive laws nationwide and special laws in the Southern Border Provinces have provided a veil for security forces to act with complete impunity. This has included suppression on the right to freedom of speech and the arrest and detention of dissidents who speak out against the government, the monarchy and the military. This also applies to those speaking out against past and ongoing human rights violations, which have included torture, enforced disappearance of political opponents, detentions, prosecutions and the ongoing criminalization of activists.

The military junta has pushed back against the pro-democracy movement, ignoring calls for an end for military domination of politics, reform of the monarchy, demands for constitutional reforms and the repeal of repressive laws. As the movement for democracy grows in strength and momentum, public demands for accountability for past human rights violations have become bigger and bolder. It is in this context that CSOs and victims' groups are advocating for transitional justice and peacebuilding initiatives that are locally led and owned by victims, survivors, their families and civil society and address the root cause of conflict by focusing on truth-seeking, prosecutions, reparations and institutional reforms.

In the Southern Border Provinces tensions existed well before the emergence of separatist groups and the heightened period of conflict since 2004, however now involve frequent clashes between the Buddhist Thai nation-state and the minority Malay-Muslim community. Successive governments, both elected and military-backed, have failed to bring the conflict and insurgency to an end, however recent initiatives to negotiate a political settlement following the election of Prime Minister Srettha Thavisin are a cause for optimism. Civil society, which is already undertaking peacebuilding activities in affected communities, remains hopeful that this process could pave the way for sustainable peace in the south.

CrCF and AJAR are actively engaged in strengthening both civil society and victims' understanding of transitional justice and peacebuilding in Thailand. From the participatory research process the following key findings have been identified to support formal mechanisms for transitional justice and peacebuilding and to support those impacted by conflict to be involved in, and drive these processes:

**Key Finding 1**—*The Thai government has responded to political unrest and pro-democracy movements with violent crackdowns and the use of repressive laws. These laws have significantly curtailed the right to freedom of expression, restricting political participation and creating a fear of speaking out. In the Deep South, the situation is exacerbated by extensive militarisation of the region and the use of draconian security measures, such as the improvisation of Martial Law, has further cemented feelings of social and political exclusion among Malay-Muslim communities. There is a need for a change in approach, one which moves away from criminalisation and militarisation towards solving the economic and psychosocial problems created by the conflict.*

**Key Finding 2** – Participants overwhelmingly expressed feeling unsafe due to violence in their homes and communities. These feelings increased when authority figures like the security forces were present. Many participants described experiences of harassment, intimidation, and surveillance by the military or police which fuelled distrust in the authorities. Some activists experienced physical violence from individuals who opposed their political ideology or demands. In Southern Thailand, fear of and intimidation by authorities is a major concern. The presence of authorities, including at military checkpoints and during visits to residents' homes, has further exacerbated feelings of insecurity among the community.

**Key Finding 3** – The military plays an active role in Thailand's politics, impacting public trust in the security forces. There is growing scrutiny of the role of the monarchy in politics, and many perceive the monarchy as working hand-in-hand with the military. Younger generations in particular are increasingly attributing conflict to the monarchy and its associated institutions. The judiciary continues to reinforce militarisation through judicial harassment of political activists. In Southern Thailand, militarisation is especially pronounced through the administration of special laws, checkpoints and other security measures. The military, monarchy and judiciary all impact the younger generation's perception of conflict resolution, and some express concern that violence will continue if there is no meaningful government action to ensure justice for past violations.

**Key Finding 4** – There has been a positive shift towards the inclusion of marginalised groups in peacebuilding processes, empowering more people to voice their concerns and advocate for change. Changes in law and the emergence of new and diverse movements are also signs of progress. Equal access to and public participation in politics remain vital to ensure Thais are given a voice in decisions. However, significant barriers remain, including fear of reprisals from authorities and criminal punishment through the use of repressive laws. In order for there to be full and equal access, abusive laws must be reformed and all barriers to freedom of expression removed. In addition, peacebuilding initiatives must ensure the meaningful inclusion of diverse voices at all stages, in particular those from marginalised communities.

**Key Finding 5** – Lack of government commitment to ensuring accountability has resulted in more human rights violations

**Key Finding 6** – Women and LGBTQIA+ people affected by conflict are at an increased risk of unequal treatment and gender-based violence. Official institutions do not adopt a gender perspective and discrimination persists across different contexts, including in equal access to employment opportunities and education. Despite progress, women and gender diverse people continue to face barriers, which stem from patriarchal structures and attitudes which prioritise the participation of men in political and social spheres.

**Key Finding 7** – Survivors' resilience is driven by a sense of responsibility to their families and a belief in the importance of accountability. In the Southern Border Provinces, people often draw on their religious beliefs and community networks to cope with their experiences. Comprehensive support programs are required to address victims' needs and support community resilience. They should adopt a holistic approach with an emphasis on access to justice, education, employment, and physical, mental, and psychosocial health services.

**Key Finding 8** – Perpetrators of serious human rights violations are seldom held to account. Victims, survivors and their families continue to be denied their rights to justice and redress.

**Key Finding 9** – Reparation efforts intended to help victims rebuild their lives still leave many people behind or completely exclude them from support.

**Key Finding 10** – There is a significant need for institutional reform, with a focus on the impartiality and separation of state institutions: the Executive, the judiciary, the legislature and the monarchy. Equally important is the abolition of repressive legislation to ensure compliance with international human rights law and standards. In the case of the Deep South, the imposition of arbitrary and discriminatory special laws should be revoked.

The following recommendations propose a pathway to address the experiences of victims and survivors, their families, and CSOs working for accountability for past human rights violations in Thailand, including in the Deep South. They include addressing existing accountability gaps, strengthening national mechanisms for peacebuilding and transitional justice, ending the

violent suppression of civil and political rights and supporting the provision of support for economic, social and cultural rights:

- The National Government should ensure accountability and transparency of the military, the monarchy and the judiciary on a national level by:
  - a. Strengthening the rule of law and the separation of powers between the legislative, the monarchy and the judiciary.
  - b. Introducing judicial reforms to ensure that there are sufficient checks and balances, and that the judicial system is fair and independent.
  - c. Ending suppression through repressive laws in particular lèse-majesté and sedition provisions which have been used to silence political criticism and dissent.
  - d. Ensure protections for human rights defenders by preventing the use of Strategic Lawsuits Against Public Participation (SLAPPs) to silence dissent and criticism through criminal defamation laws.
  - e. Working with civil society organisations to legislate the Amnesty Bill and provide amnesty to all those charged or prosecuted for exercising their rights to freedom of speech and assembly.
- The National Government should:
  - a. Undertake an assessment of existing transitional justice mechanisms in the Southern Border Provinces including those on truth, prosecutions, reparations and institutional reforms in consultation with local communities and civil society organisations:
  - b. Demonstrate a strong commitment to lasting peace and reconciliation through the creation of a permanent mechanism in the Southern Border Provinces.
  - c. Invite all parties to engage in the peace process in the ongoing Southern Border Provinces negotiations.
  - d. Withdraw all special laws in the Deep South, including Martial Law, the Emergency Decree, the Security Act and the Computer Crimes Act.
  - e. Facilitate the demilitarisation of the Southern Border Provinces through Disarmament, Demobilisation and Reintegration (DDR).
  - f. Ensure independent civilian review and oversight of the military budget and spending, including with a focus on reducing security operations and the number of security checkpoints used for arbitrary searches, arrests and detentions.
  - g. Ensure protection of the rights to freedom of expression, assembly and association as well as the right to freedom of religious or other belief, including freedom to practise religion, cultural and language.
- Civil society should work together to pressure the national government to implement transitional justice mechanisms such as strong reparation schemes independently and without heavy reliance on CSOs: This should include:
  - a. Implementation of a comprehensive state reparations program for political activists, victims of political violence and their families.
  - b. National focus on psychosocial support within a state reparations program.
  - c. A national reconciliation program which focuses on developing strategies and policies to ensure effective conflict resolution.
  - d. The provision of effective support systems for victims, survivors, and their families including economic, social and psychological support, without discrimination of any kind.
  - e. Development of agreed strategies and policies to ensure effective conflict resolution.
- Civil society organisations should work with the international community including international human rights bodies to ensure the enforcement of Thailand's Bill on the Prevention and Suppression of Torture and Enforced Disappearance which was adopted on 24 August 2022 by:



- a. Ensuring the Bill is implemented and monitored through redress and accountability for victims of crimes of torture and enforced disappearance. This includes providing training for responsible authorities on enforcement and supporting the prompt, effective and impartial investigation and prosecution of cases of alleged torture and enforced disappearance.
  - b. Raising awareness at the national and international levels to promote Thailand's human rights obligations under the UN Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Civil society should work with regional civil society organisations and the international community to share knowledge on peacebuilding initiatives that can be implemented on a national level such as:
    - a. Supporting the public to engage in the peace process by creating spaces for the public to provide submissions, feedback and suggestions to support in fostering a sense of ownership and legitimacy to peacebuilding initiatives.
    - b. Supporting initiatives for truth-seeking and for the establishment of a truth process at the local and national levels, including through education and curriculum reform.
    - c. Directing engagement between civil society organisations and youth groups through a roundtable discussion. For example, creating initiatives for open dialogue between youth and government.
    - d. Working with local community leaders, particularly religious leaders in the Deep South, to promote peace education. This could include, for example, bringing Buddhist and Muslim leaders together in shared dialogues for peace to promote these within the local community.
- All stakeholders, including CSOs, local and national governments and the international community, must ensure that victims of human rights violations are involved in designing and driving peacebuilding processes to create a sustainable, people-centred approach to peace. This must include:
    - a. Support efforts and initiatives of communities and civil society to empower women and LGBTQIA+ people in raising awareness on gender-based issues including in conflict situations.
    - b. Ensure that peacebuilding processes, in particular reparation programs engage victims of conflict by providing them with an opportunity to express their needs, concerns, and experiences of violence.

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*Violence in the next generation is dependent on our generation's  
ability to solve problems*

*- Male Youth Activist, Bangkok*