



INVESTIGATION REPORT

# THAILAND LICENCE TO KILL

REPORTERS WITHOUT BORDERS CALLS FOR INDEPENDENT  
INQUIRY INTO CRIMES AGAINST MEDIA

//////// INVESTIGATION MADE BY VINCENT BROSEL AND NALINEE UDOMSINN ////////// REPORTERS WITHOUT BORDERS // 07.2010  
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**REPORTERS  
WITHOUT BORDERS**  
FOR PRESS FREEDOM



Agnes Dherbeyes/VII Photo mentor program

The very violent political crisis that convulsed Thailand in April and May 2010 had a dramatic impact on the safety of journalists and media freedom. The toll was heavy: two foreign journalists were among the 90 people killed, ten other journalists were wounded (some sustaining injuries from which they will never fully recover) and there was a wave of censorship and intimidation without precedent since the 1990s.

**R**eporters Without Borders has investigated 10 cases that are representative of the press freedom violations committed by both parties to the conflict: the army, special forces and paramilitaries on the one hand, and the Red Shirt activists of the United Front for Democracy Against Dictatorship (UDD) and their paramilitaries on the other. Reporters Without Borders decided in this report to let the victims and witnesses of the violations speak for themselves. A government representative and one of former Prime Minister Thaksin Shinawatra's lawyers were also interviewed. Some accounts are devastating.

The government emerged the victor from this bloody battle after the assault on the Red Shirt camp in the heart of Bangkok on 19 May, but many questions about the behaviour of the armed forces remain. The many accounts of soldiers firing live rounds at unarmed civilians, the firing on journalists with automatic weapons, the systematic intimidation and the use of military force to suppress political protests are all evidence of serious abuses. Taking advantage of the state of emergency and the

threat posed by the Red Shirts, the Thai army and special forces rode roughshod over international law and Thai legislation protecting civilians.

### **INTERNATIONAL ENQUIRY NEEDED**

An independent enquiry that includes international experts is necessary. Thailand's international credibility is at stake. If the government is serious about wanting to reconcile Thais and learn the lessons of this violence, Prime Minister Abhisit Vejjajiva must give much broader powers and more resources to the commission of enquiry that has been set up.

Reporters Without Borders urges United Nations secretary-general Ban Ki-moon to ensure that UN agencies are involved in this investigation into the violence in Thailand, which has just been elected president of the UN Human Rights Council. The gravity of what took place requires a transparent and exhaustive investigation to which Reporters Without Borders is ready to contribute in a completely independent capacity.

Thai foreign ministry spokesman Thani Thongphakdi told Reporters Without Borders that the

**CHRONOLOGY**

September 2006: Military coup overthrows Prime Minister Thaksin Shinawatra following anti-Thaksin Yellow Shirt protests

August 2007: New constitution adopted

December 2007: Electoral victory by Thaksin's allies

September 2008: State of emergency declared in Bangkok after clashes between Red Shirt and Yellow Shirt activists

December 2008: Opposition leader Abhisit Vejjavija is appointed prime minister by parliament after the ruling party's dissolution

March 2009: Thaksin urges his allies to stand up to the government. Tens of thousands of Red Shirts gather in Bangkok and northern Thailand.

February 2010: The supreme court seizes more than half of Thaksin's assets after he is found guilty of abusing his political position in order to enrich himself

March-April 2010: Thaksin's supporters occupy several areas of Bangkok, demanding new elections and Abhisit's resignation

7 April: State of emergency declared

10 April: Twenty people, including a Japanese cameraman and five soldiers, killed in armed clashes.

17 May: Renegade general Seh Daeng killed by a sniper while giving an interview to journalists

19 May: Sixteen people, including Italian journalist Fabio Polenghi, are killed in the final army assault on the Red Shirt camp. Several buildings in the capital are gutted by fires started deliberately. Dozens of Red Shirt leaders and activists are arrested.

commission created to investigate the violence would be independent. "The government believes it is very important to answer the public's questions about the April and May incidents," he said. "Regardless of the investigation's findings, the government will assume its responsibility."

"The figures don't lie," former Prime Minister Thaksin Shinawatra's lawyer, Robert Amsterdam, told Reporters Without Borders. "The number of journalists and stretcher-bearers killed or wounded shows a dramatic lack of concern for the safety of civilians. Indiscriminate use of violence was widespread. And we have witnesses who tell us that journalists were targeted. We are in the process of confirming these accounts and the government will have to respond to these charges (...) Most of the dead and wounded were among the Red Shirts. That clearly shows where the violence was coming from (...) And we have no confidence in the political will to establish the truth."

Since agreeing to conduct an investigation into the April and May violence in Bangkok, this international lawyer has been banned from entering Thailand.

**RULES OF ENGAGEMENT AND CENSORSHIP**

Was the high number of journalists killed or wounded due above all to a combination of unfortunate circumstances – the presence of many journalists (some of them not sufficiently trained or equipped), very violent armed clashes in an urban environment, and the fact that the Thai soldiers were not adequately trained, above all in dealing with unarmed civilians? Or was there an

intention to kill and wound journalists, including foreign journalists?

Soldiers used weapons of war to fire on unarmed civilians including journalists in the final days of the conflict," said a European journalist who was on the streets of Bangkok. "There were clearly no rules of engagement and the soldiers were left to their own devices." The foreign ministry's spokesman nonetheless insists that there were specific rules of engagement: "After the attack on our

« The cross-fire was very intense at that moment. There was no longer any restraint on the part of either the soldiers or the UDD »

unarmed soldiers on 16 April, the army received authorisation to use live rounds against armed Red Shirts, these famous men in black. The rules were announced to the soldiers. The army was definitely not told to target civilians."

Another issue of importance for Reporters Without Borders was the reinforcement of Thai media censorship and self-censorship. Taking advantage of the imposition of a state of emergency, the authorities, above all the Centre for Resolution of the Emergency Situation (CRES), censored news websites such as Prachatai. Asked about this, foreign ministry spokesman Thani said the government accorded a great deal of importance to press freedom but "the circumstances called for media responsibility. ///

## A list of the incidents that this report looks at:

1. Death of Italian freelance photographer Fabio Polenghi
2. Death of Japanese cameraman Hiroyuki Muramoto, who worked for Reuters
3. Injury of Nelson Rand, a Canadian reporter working for France 24 TV
4. Censorship of the Prachatai news website
5. Fire at Channel 3 headquarters in Bangkok
6. Endangering of New York Times photo-stringer Agnès Dherbys
7. Injury of Jo Subin, a Thai photographer with the newspaper Matchon
8. Injury of Canadian freelancer Chandler Vandergrift
9. Account of a foreign correspondent who requested anonymity
10. Injury of Chaiwat Pumpaung, a Thai photographer with The Nation

## FABIO POLENGHI

### Italian photographer

A photographer, Fabio Polenghi was shot dead at around 10:45 am on 19 May near Lumpini park, about one kilometre from the heart of the Red Shirt demonstrations. Wearing a motorcycle helmet, Polenghi was shot during a violent clash between soldiers and Red Shirts defending a barricade. Four other people were killed in the course of this clash.



© Masaru Goto

**J**apanese photographer Masaru Goto, a witness of Polenghi's death, gave this account to Reporters Without Borders.

Can you describe to us the circumstances in which you witnessed Fabio's death?

The first time I saw Fabio was in mid-April during the demonstrations in Bangkok, where I have lived for the past nine years. We became friends (...) I was near him when he was killed. We were at the intersection of Sarasin and Rachadamri Avenue in Bangkok. Near Lumpini park. The army had begun to attack the UDD there that morning. Fabio and I were taking photos from the UDD side. You could say we were on the front line. The army's gunfire began to intensify at about 10 am. I wanted to leave the intersection because a demonstrator had just told me that a sniper was going to fire on us. We were in the process of pulling out when I

noticed a body on the tarmac behind me. I realised at once it was Fabio. I cannot say where the shots came from.

I am not sure if he was killed because he was a journalist. The cross-fire was very intense at that moment. There was no longer any restraint on the part of either the soldiers or the UDD.

Fabio's camera disappeared. Do you know what happened?

When he was hit, we tried to pull him out of the line of fire. A video was later broadcast showing us in the process of dragging him. You can also see a man dressed like a journalist who is holding one of Fabio's hands and his camera. Since then, we have not found this camera. We are looking for it.

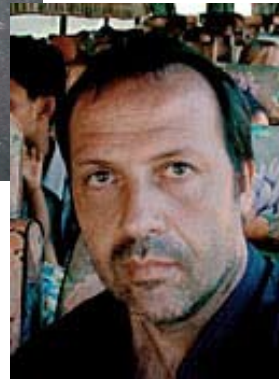
Do you think Fabio was targeted as a journalist?

A rumour had been circulating since mid-May that an unidentified sniper, perhaps an army sniper or a UDD one, was going to kill a journalist. Some people might have had an interest in exacerbating the crisis. By killing a journalist, you

would increase the level of disorder. But I have no evidence that this rumour was based on any facts. The Thai Journalists Association had recommended not going to certain places that were considered too dangerous.

Do you think the Thai police carried out a thorough autopsy after Fabio's death?

His body was quickly cremated after his death. I am not sure whether the police did a thorough autopsy. ///



Polenghi's sister, Isabel Polenghi, told Reporters Without Borders that a Rome-based judge was appointed on 20 June to investigate his death. "He is just beginning his investigation and he is ready to request all the necessary documents from the Thai authorities (...) From the start I have been asking the Bangkok authorities for the final autopsy report but so far I have received nothing. I want the full truth about the circumstances of Fabio's death."

« The cross-fire was very intense at that moment. There was no longer any restraint on the part of either the soldiers or the UDD. »

**Reporters Without Borders interviewed another person about Polenghi's death, US documentary filmmaker Brad Cox. He was at the scene of the shooting and sustained gunshot injuries himself. It was Cox who made "Who Killed Chea Vichea?", a documentary about the murder of a Khmer trade unionist that is banned in Cambodia.**

What happened?

I had never met Fabio. I had taken up a position at this intersection on the side of the Red Shirts barricade. There was quite heavy shooting from the army. The Red Shirts responded with Molotov cocktails and home-made bombs. A shot that hit a tyre in front of me came within 40 cm of my head. Shortly before 11 am, I saw some movement a bit further down the street. I went to see and then I returned to the Red Shirt zone. As I came back I felt a pain in my right knee and I realised I had been hit, but it did not seem too serious. I turned round to try to see where the shot had come from and that is when I saw Fabio on the ground, less than 10 metres away. I began filming when other journalists and Red Shirts dragged him towards some cover and then put him on a motorcycle. But it was already too late.

What happened to his camera?

In my footage, you can see a man, apparently a journalist, helping Fabio and holding his camera. But it was not handed back.

Was Fabio targeted as a journalist?

I cannot say with completely certainly who shot Fabio and me. I think we were hit by a shot fired by a soldier or a sniper. When they fired on us, there were not a lot of people on that part of the road and the nearest Red Shirts were more than 10 metres away. So I do not understand why we were fired at. Were we targeted or were they stray bullets? I don't know. I was carrying a big camera and it was easy to see that I was a foreigner. But Fabio was wearing dark clothes. Could they have mistaken him for one of the men in black ? ///

« When they fired on us, there were not a lot of people on that part of the road and the nearest Red Shirts were more than 10 metres away »

## HIROYUKI MURAMOTO Japanese cameraman with Reuters

**Hiroyuki Muramoto, a Japanese cameraman employed by the Reuters news agency in Tokyo, was sent to reinforce the Bangkok bureau, which was overwhelmed by the scale of the Red Shirt movement.**

**H**e was shot on the night of 10 April during one of the first armed clashes between soldiers and Red Shirts in Bangkok. It caused such a stir in Japan and in Reuters that Prime Minister Abhisit Vejjajiva was forced to quickly announce the creation of a commission of enquiry into his death. But no findings have ever been published.

The origin of the shots that killed Muramoto has not been independently determined and each side blames the other. But there is no doubt that both soldiers and Red Shirts fired live rounds despite the presence of many unarmed civilians and journalists in the Rajdumnoen Road area. A total of 13 people were killed and more than 500 were injured

that evening.

A Japanese diplomat told Reporters Without Borders that his government has been awaiting the results of the enquiry since 13 April. "We asked the authorities in Thailand to carry out a thorough investigation but so far we cannot say whether this has been done," a Japanese foreign ministry spokesman in Tokyo said. "The Japanese police would also like to know the results of the investigation." When asked about this, the Thai foreign ministry spokesman refused to say when the findings would be released.

Reuters editor-in-chief David Schlesinger said: "I am dreadfully saddened to have lost our colleague Hiro Muramoto in the Bangkok clashes. Journalism can be a terribly dangerous profession as those who try to tell the world the story thrust themselves in the centre of the action. The entire Reuters family will mourn this tragedy." ///

« Journalism can be a terribly dangerous profession as those who try to tell the story to the world thrust themselves in the centre of the action. The entire Reuters family will mourn this tragedy. »

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## NELSON RAND

### Canadian reporter

Canadian journalist Nelson Rand, 34, has been a reporter in Southeast Asia for the past 12 years and for the past two years he has been working as a stringer for France 24 TV. He sustained serious injuries in his hand, leg, foot and abdomen while covering the demonstrations on 14 May and is still unable to walk. Nelson Rand described the incident in which he was nearly killed.

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What happened?

was filming clashes between the army and Red Shirts on Wittayu Road on 14 May. At first I was filming on the soldiers' side but I changed sides in order to better film the Red Shirts. I crossed the road some time later to film a man who had just been shot and to get closer to where I believed gunmen were in Lumpini Park. My hand was hit by a bullet as I attempted to cross the road and my camera fell. I picked it up and continued to run across the road to seek cover. When I was on the ground and screaming for help, another shot hit me in the leg.

As for the third shot, which hit me in the side of the abdomen, I do not remember much of it due to the state I was in. But the Red Shirt who dragged me out of the line of fire told me afterwards that I was hit as he was dragging me away.

Red Shirt guards responsible for keeping order risked their lives to rescue me then risked their lives to take me to hospital on a motorcycle. One drove the motorcycle and the other held me. I was in the middle. This was a crucial moment. The femoral artery in my leg was severed and I was losing a lot of blood. During the drive, our motorcycle was hit by bullets at least twice, according to the Red Shirt who was driving it.

Before this incident, did you think you were taking risks to cover the clashes?

Yes, I was completely aware of the risks I was taking. I knew that I was taking a risk by crossing the road. I accepted the risk and now I am paying for it.

I was not wearing a bullet-proof vest or helmet. I do not like bullet-proof vests as they greatly restrict your movement, which can be just as dangerous as not wearing one if required to move swiftly in combat. Anyway, that kind of equipment would not have protected me that day. I also was not wearing any visible sign identifying me as a journalist. I left the green armband with the word Press on it, given to journalists, at home that day, but it would not have protected me.

Do you think you were targeted?

I don't know. I put myself in a risky situation. I did not have to be there but I made the choice to be there.

How is the investigation into this incident going?

As far as I know, no investigation has been



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« Red Shirt guards responsible for keeping order risked their lives to rescue me »

carried out. I certainly have not been contacted by the Thai authorities with a view to helping the investigation.

What is your view of the press freedom situation in Thailand? Do you feel safe working in here?

I would like to reiterate that I was injured because I placed myself in a dangerous situation. I could have reported from a studio or another location away from the fighting, but that is not how I prefer to report. ///

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**CHIRANUCH PREMCHAIPORN**  
**Director of the Prachatai news website**

The online newspaper Prachatai and its Facebook and Twitter pages have been constantly blocked since 8 April, the day after that the state of emergency was declared in Bangkok and the neighbouring provinces. The Centre for Resolution of the Emergency Situation (CRES) describes Prachatai as a threat to national stability.

« Declaring a state of emergency enabled the authorities to put pressure on the media, directly and indirectly. »

**O**n an attempt to combat the censorship, Prachatai has changed its website's URL seven times. It also brought a legal action against the CRES but the court ruled in favour of the authorities.

Founded in 2004, Prachatai aims to be an independent news media and gives a voice to all participants in the country's political and social life. It is Thailand's most widely-read "alternative" newspaper, with 40,000 visits a day. The woman who edits it, Chiranuch Premchaiporn, told us about the current situation..

Why is the Prachatai website still blocked?

The authorities have not explained to us why the blocking has not been lifted. I think it is still in force because the government has maintained



the state of emergency in Bangkok.

This censorship is Prachatai's biggest problem. Our readers in Thailand do not have direct access to the site. Only a small minority of Internet users master the software techniques that allow them to circumvent the blocking of access to our news reports in Thai and English.

In your view, why is the CRES blocking Prachatai?

I think it is part of the efforts by the CRES to prevent access to news and information that could encourage the population to question the information that the government and the CRES have been providing about the political and social situation.

On 23 April, Prachatai brought a legal action against the CRES over the blocking but the court ruled in favour of the CRES. What is the current state of this action?

The court thought the blocking by the CRES was legitimate because Bangkok was under a state of emergency. We filed an appeal on 25 May because we do not think that all the conditions have been met for the CRES to be able to apply article 9 of the state of emergency to our newspaper. The appeal court has agreed to consider our appeal. We will see what ruling it issues.

The newspaper was founded during former Prime Minister Thaksin Shinawatra's first term. Did you have any difficulties at that time?

No, we did not come under any pressure from the authorities at that time although we were very critical of the government's military actions in southern Thailand's Muslim provinces.

Overall, how has the state of emergency affected the ability of journalists to work?

Declaring a state of emergency enabled the authorities to put pressure on the media, directly and indirectly. All the media have been affected, whether "traditional" or "alternate" media or those based on citizen journalism. ///

## A member of the Channel 3 editorial staff

On the day of the final assault, 19 May, anti-government demonstrators set fire to the Bangkok headquarters of the national TV station Channel 3. Around 100 employees were trapped in the building. With the help of helicopters, they were all evacuated safely.

Reporters Without Borders interviewed a senior member of the station's staff, who asked not to be identified because of the priority currently being given to "national reconciliation."

How much progress has been made with the investigation into the Channel 3 fire?

Two institutions are in charge of the investigation into this incident. Firstly, the Department of Special Investigation (DSI), which handles matters relating to political instability and national security. As regards the material damage, it comes under the police station's responsibilities. But I cannot give you any details because, for the time being, they are confidential.

What material damage did the fire cause?

There was no major damage and everything was repairable. Windows were broken and furniture was damaged.

Given the scale of the Red Shirt demonstrations, did the station's executives take any precautions against a possible attack?

No, the attack by the demonstrators was a complete surprise. We never thought we would be targeted.

Why do you think the demonstrators set fire to Channel 3, when your station is far from being considered "anti-Red Shirt"?

I think it was all about geographic proximity. Our station is very visible and is not far from Rachaprasong, the place where most of the Red Shirts had



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« Why did the Red Shirt demonstrators target a news media that is not "anti-Red Shirt?" »

gathered. After the violence of the final assault, it is understandable that some of the demonstrators were extremely distraught and were without doubt easily influenced. ///

## Red Shirts, from protests to insurrection

Fervent supporters of former Prime Minister Thaksin Shinawatra, the Red Shirts emerged on to the Thai political stage in 2006, in opposition to the Yellow Shirts, who supported the coup that toppled the controversial billionaire politician. Consisting above all of people from the northeastern countryside and members of the working class, and rallying behind the United Front for Democracy Against Dictatorship (UDD), the Red Shirts opposed the military government from 2007 onwards. In 2009, they started to systematically obstruct the activities of Prime Minister Abhisit Vejjajiva's "illegitimate" government.

The leaders of the Red Shirts, who no longer consisted solely of Thaksin supporters, launched a plan for the occupation of Bangkok and civil disobedience throughout the country in April 2010. The political revolt turned into rioting and urban guerrilla warfare. Armed groups, known as "men in black," used force to destabilise the government. The authorities began describing the movement as "terrorist" in May. Most of its leaders are now in prison and most of their news media (especially the websites) have been censored. But the Puea Thai party, which supports the Red Shirts and Thaksin, could easily win again if general elections are held.

## AGNÈS DHERBEYS

### Freelance photo-journalist

**Agnès Dherbeys' career began in 2004 when she covered the tsunami in Thailand. Since then, her photos have often appeared in the New York Times, Newsweek, Times Magazine and Le Monde Mag.**

**D**uring the crisis in Bangkok, Agnès Dherbeys was one of the journalists who took great risks to cover the demonstrations. As a photographer, she felt it was necessary to be at the heart of the action, even if she only had a helmet. After nearly being hit by army gunfire, she tried to obtain a bullet-proof vest a few days before the final assault.

Could you tell us about the events you experienced on 13 May?

The pro-red general, Seh Deang, was fatally shot, presumably by a sniper, while being interviewed by journalists on 13 May. That shooting marked the start of the “battle of Bangkok.” The demonstrators began to confront the army in Rajprasong, the site of the main Red Shirt demonstrations, and in other districts in the centre.

At the beginning of the evening, the clashes were taking place on Wittayu Road, near Lumpini park, and Rama IV Road. I was following a few Red Shirts on Rama IV Road, near the HSBC bank. They were not armed. I was a few metres from a street corner. After taking photos of this group, I was thinking of getting out of the “front line” because of the shooting. It was sporadic but live rounds were being used. The shooting was coming from Lumpini park. I retreated a few metres and when I turned round to take a photo, an unarmed man received a shot to the head right in front of me.

An ambulance, Red Shirts and journalists quickly arrived. Several shots were fired in our direction before the demonstrator with the head injury had even been put in the ambulance and while a dozen people were gathered around the body.

Did you feel targeted?

No, I never felt targeted. And I did not witness any of the incidents in which fellow journalists were hit.

When did you starting thinking you had to wear a bullet-proof vest and why?

After the clashes on the night of 13 May. The crisis started by the Red Shirt demonstrations took a completely different form and turned into urban



© Kosuke Okahara

guerrilla warfare. The army had already begun to use live rounds on 10 April. The first clashes and the Silom Road explosions have already changed the situation. Furthermore, working by night increased the danger tenfold.

I was finally able to work with a bullet-proof vest that I was lent for three hours on 16 May. But I'd had a good helmet since 10 April.

« After the clashes on the night of 13 May. The crisis started by the Red Shirt demonstrations took a completely different form and turned into urban guerrilla warfare. »

Do you think press freedom violations are continuing?

There is clearly a climate of censorship, reinforced by the CRES's powers.

At the start of the crisis, you managed to take photos of a “man in black” that started a controversy.

While the army and the Red Shirts were firing live rounds at each other on 10 April near the Democracy Monument, I tried to get behind the army's lines via small side streets. It was there that I found myself face to face with an armed man in black uniform. I quickly took a photo and before he could shout anything at me, I left. The street was deserted and I knew it was an important photo. I did not want to take the risk of my camera being taken from me. But I still do not know who he was. ///

## SUBIN NAMCHAN

### Photographer with the daily Matichon

**This 34-year-old Thai journalist was shot twice in the legs near Lumpini park five days before the final assault and his camera was damaged. Matichon has paid his hospital bills and given him financial compensation.**

Can you describe to us the circumstances in which you were injured?

On 14 May, my editor asked me to go and take photos of the demonstrations in Rachaprasong. I arrived at about 11 am. After listening an official announcement by the Red Shirt leaders, I heard that soldiers were clashing with activists in the vicinity of Uh Jue Liang, an office building near Silom where Thomson Reuters is located. So I decided to go there to film the clashes. On the way, soldiers were blocking the passage of cars. I got out to take photos, all the while remaining hidden. I walked to Suan Lum Night Bazaar, where I took photos of burning cars. When I saw that some journalists were crossing the road to the side where the demonstrators were, I followed suit, taking care to hide behind the walls of Lumpini park. I took photos of officers who were in the process of putting the fire out.

A bit later, we heard shooting on the other side. I do not know who fired. The journalists and demonstrators took shelter. The demonstrators threw Molotov cocktails and used slingshots, but failed to hit those who were doing the shooting. But we heard fire being returned from the other side.

Everything then calmed down and some of the journalists left. A shot shattered a street light near me at around 1 pm and I crossed the street to take photos. Someone told me the shot came from the park. Then I went and hid in a bus stop. That's when I heard more shooting and I saw wounded being carried on stretchers. I advanced a bit to film this scene and then there were more shots coming from Lumpini park. I returned to my shelter in the bus stop. When it calmed down again I began advancing and realised I had been hit in the left leg. A demonstrator wanted to take me to hospital but there was too much shooting. A few minutes later, I was hit in the right leg. The demonstrators shouted at me: "Get down on the ground!"

Hearing I had been injured, another photographer came to take photos but he was also fired on! I had to wait about five minutes but it seemed an eternity. Then policemen took me to the BNH hospital.



« Hearing I had been injured, another photographer came to take photos but he was also fired on! »

Did you wearing protective clothing?

Yes, a bullet-proof vest and a helmet. It was my newspaper that provided them to me.

Did you feel targeted because you were a journalist?

I don't think I was a target. I rather think I was hit by chance. I was among a large number of demonstrators and it was by no means certain that they could have identified me as a journalist.

How far has the investigation into your case advanced?

Policemen came to see me at home while I was on sick leave. When I was a bit better, I went and filed a complaint at the Lumpini police station. But I have not been contacted by the police since then. ///

## CHANDLER VANDERGRIFT

### Canadian freelance journalist

Chandler Vandergrift began working as a journalist when he arrived in Bangkok five years ago. He sustained a total of 25 injuries to the back and to a leg and an arm as a result of M79 grenade explosions during the final assault on the Red Shirt camp.

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**V**andergrift also sustained head and brain injuries that resulted in a loss of 40 per cent of his hearing in his left ear and 15 per cent in his right ear. He can move his arm and leg only with difficulty. His sight has also been affected. He finds it very hard to read and right.

What happened on 19 May?

I was on Rajadamri Road at around 12:30 pm. It was my third day of working as an interpreter and analyst for the Toronto Star daily newspaper. I had arrived at Rajadamri from Silom Road. I was in the middle of about 20 soldiers. There were shots and explosions, and the soldiers pulled back for around five minutes. Then members of the special forces arrived. They had better weapons. I have no memory of what happened next, but other journalists, both Thai and

**« The irony of this story is that before this incident, I had been critical of the violence by the army but I was injured by grenades thrown by Red Shirts. »**

foreign journalists, have told me that I was injured by M79 grenades thrown from the top of the Chulalongkorn Hospital building, from where radical Red Shirt demonstrators were operating. I was under a tree. Two soldiers near me were also injured.

France 24 correspondent Cyril Payen, who was in the vicinity, told me that a Reuters photographer gave me first aid. One of the things he did was cut the straps of my bags which were threatening to throttle me. Long minutes went by before the arrival of the stretcher-bearers, who were overwhelmed at that moment. I was told that the military rescue service took away the soldiers first, although they were not as seriously injured as me.

Did you feel targeted?

The irony of this story is that before this incident, I had been critical of the violence by the army but I was injured by grenades thrown by Red Shirts! It was a group of Red Shirts dressed in black. I am now pretty sure they were professional soldiers because they were using weapons of war.

I had previously interviewed a few Red Shirt leaders and all of them insisted they had no link with this armed group. However, given the distance between the person who threw the grenades, on the one hand, and me and the others who were injured, one the other, I don't think he could have seen I was a journalist, even if I had been wearing the green armband of a journalist that day.

You were hospitalised for three weeks and then you had to spend two weeks in a hotel while receiving more treatment. Have you had any help with paying for this?

The hospital stay and operations alone cost me 40,000 US dollars. I have had to pay for everything myself.

How do you see the future for the media in Thailand?

The international media are being specifically targeted. It is getting more and more dangerous for foreign journalists to work here. The conflicts are becoming more serious. I hope we will not be forced to compare Thailand to Afghanistan or Bosnia, but I am not very optimistic. No one can be optimistic when they have seen soldiers firing on anyone. The shooting was really arbitrary! ///

## An international correspondent

A foreign bureau chief who covered the recent events described what it was like to work as a journalist during this time of crisis. He asked not to be identified.

How did your news organisation prepare to cover the demonstrations?

A specialist in high-risk situations was sent to our bureau to advise us. All of our reporters were experienced, trained and protected. On 19 May, for example, we had a team on each side in order to provide balanced coverage. But we had to face what was one of the most dangerous situations in my career as journalist although I have worked in Iraq and Afghanistan.

What were the problems that your staff faced while covering the demonstrations?

I would say the main problem was one of safety, above all when the soldiers began firing live rounds. From what my colleagues and I observed, we are inclined to think that the Thai army's rules of engagement allowed the soldiers to fire on any civilians in the Red Shirt zone, not just those who were armed. I saw many unarmed Red Shirt demonstrators killed or wounded by shots fired by soldiers. We were unable to obtain any comments from army officers on this rules of engagement issue.

What risks did journalists run?

Anyone in the Red Shirt zone, including journalists, risked being killed or wounded. That became

even clearer in the final days. Any attempt to cross certain roads and intersections was incredibly dangerous. The fact that many of the journalists who go to Bangkok are not used to covering war zones made it even more dangerous. There was a combination of extreme danger and a very large presence of journalists.

What is your view of the hostile online campaigns against certain foreign correspondents?

I don't think the Internet campaigns are coordinated. They continue to be very spontaneous.

« We had to face one of the most dangerous situations in my career as journalist although I worked in Iraq and Afghanistan »

Do you give your staff any special instructions because of the lèse majesté law?

We measure every word we write about the royal family very carefully because of the lèse majesté law. Our lawyers check our articles and reports before publication. What is off-limits does not change much, but it does change and we have to adapt to it. At a time when a royal succession is possible, this law poses real restrictions on the freedom of expression of Thai and foreign journalists. It is a crucial issue for the future. ///



DR

## CHAIWAT PUMPUANG

### Photographer with the Thai daily The Nation

Aged 45, Chaiwat Pumpuang has been a photo-journalist for 25 years. He has always worked for the English-language daily The Nation. He was used to working in difficult places, including Burma, but had never been injured in the course of his work. His camera was smashed during this incident.

DR



The soldiers suddenly fired live rounds! At first I thought they were warning shots. But they kept firing incessantly with their automatic weapons. I began running for a place to hide but I was hit when I was just a few centimetres from reaching shelter. A bone in my right leg shattered and I fell to the ground. I could no longer move and the soldiers were still shooting. I told myself: "Either they shoot you again, and you die, or someone comes to rescue you and you survive." My life was in the balance. Once the shooting had stopped, soldiers took me to a hospital.

Did you feel you were targeted?

I can say I was deliberately targeted. When the soldiers attacked, I was too far from the group of demonstrators for one to be able to claim it was accidental. The soldiers probably did not want me to take photos.

« I told myself: 'Either they shoot you again, and you die, or someone comes to rescue you and you survive.' My life was in the balance. »

Did your newspaper publish the photos you took of the incident?

They were used in the daily, but without the captions that readers needed to be able to understand who fired.

After what happened to you, do you feel it is safe to work as a journalist in Thailand?

If there are the same kind of demonstrations, no. Covering large-scale demonstrations has become more dangerous. I fear that it will become harder for reporters to work... !!!

**T**he army's use of violence appalled him and he says he is now pessimistic about the future. Still receiving rehabilitation for the injury to this right leg, he spoke from his hospital bed. Photos of an injured Chaiwat Pumpuang: <http://www.oknation.net/blog/black/2010/05/15/entry-2>

Tell us how you came to be injured?

I was on Rajaprarob Road at around 3 pm on 15 April covering a Red Shirt demonstration. I was with about 50 demonstrators who tried to approach the soldiers. The Red Shirts were using tyres as protection but they were not armed.

## CONCLUSION AND RECOMMENDATIONS

**B**angkok has been a key location for journalism in Asia for several decades. Hundreds of foreign media and reporters are based there. The Thai press is one of the freest in Asia. But the deep social and political crisis that emerged again during the clashes of April and May has hurt this positive environment. Both safety and the free flow of information suffered at the hands of the state's representatives and the Red Shirts.

Neither of the two camps respected the right of journalists to work safely. And, in the course of their ferocious crackdown on the opposition, the authorities chose to maintain a great deal of pressure on the media and the Internet in violation of Thailand's international undertakings, including the International Covenant on Civil and Political Rights.

The behaviour of the army and the Red Shirt militias constituted a flagrant violation of the UNESCO Medellin Declaration, which reaffirmed UN Security Council resolution 1738 on the obligation to protect journalists in conflict zones.

The evidence and accounts gathered by Reporters Without Borders suggest that the Thai army and special forces did not act with the required restraint to protect the lives of the many journalists reporting in the field. They did not try to prevent journalists from covering the events, but the rules of engagement and the lack of professionalism on the part of the soldiers led to serious incidents that could have been avoided. Similarly, the armed Red Shirt activists deliberately exposed Thai and foreign journalists to mortal danger. If the responsibility of certain Red Shirt leaders or activists in the violence against the press is established, we call for their trial and punishment. In the same way, the officers in charge of troops who opened fire on properly identified journalists should also be punished.

Reporters Without Borders would like to think that Prime Minister Abhisit Vejjajiva's government is ready to end the state of emergency as soon as possible and shed light on all the incidents involving unarmed civilians, including journalists. We are nonetheless convinced that there can be no solution to the Thai crisis without a return to complete freedom of expression and without combating impunity.

The civilian government must ensure that the rules of engagement of the army and police in crowd-control operations are clear and transparent and guarantee the protection of civilians, including journalists. Soldiers and police officers who do not comply must be prosecuted.

The evidence and accounts gathered by Reporters Without Borders suggest that the Thai army and special forces did not act with the required restraint to protect the lives of the many journalists reporting in the field.

### RECOMMENDATIONS TO THE AUTHORITIES:

1. Publish the final reports on the deaths of Hiroyuki Muramoto and Fabio Polenghi as soon as possible.
2. Provide the Independent Truth and Reconciliation Commission headed by Kanit na Nakhon with real human and material resources so it is able to investigate all the incidents involving journalists. Include foreign experts in the commission, which must be genuinely independent and have sufficient powers to initiate judicial prosecutions.
3. Stop censoring media, especially news websites. The state of emergency cannot be used as a pretext for imposing severe restrictions on the free flow of information. Only a court should be able to close down a news media or block a website, and this only after a hearing at which all sides are heard.
4. Stop the campaigns of intimidation against certain foreign journalists and media and reform the lèse-majesté law.
5. Start giving policemen and soldiers training in how to ensure the safety of journalists.
6. Provide financial compensation to all journalists who were injured in the violence.
7. Make it easier to import the equipment that journalists need to protect themselves.

### RECOMMENDATIONS TO THE MEDIA

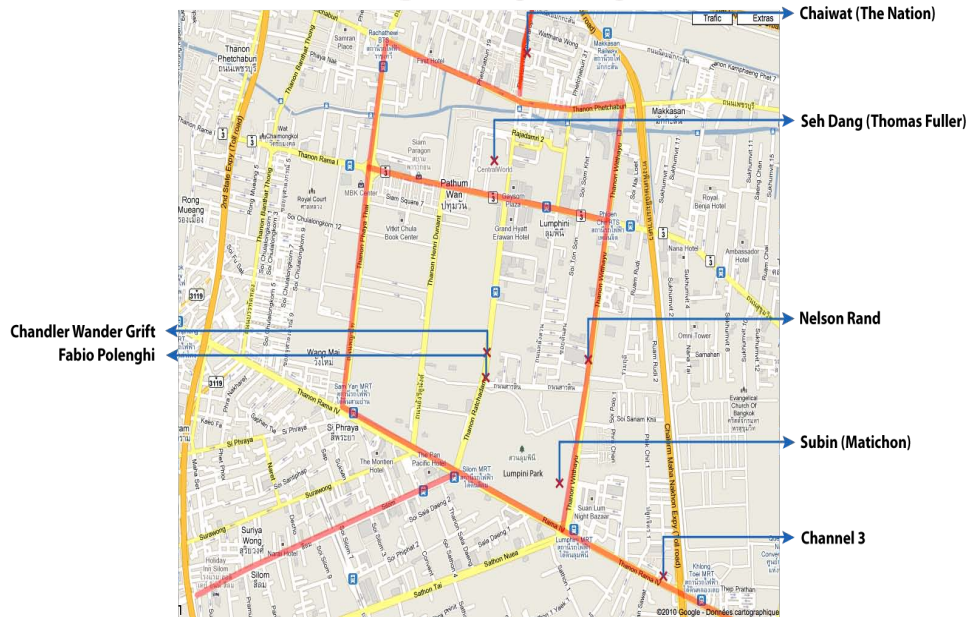
1. Improve the level of safety training and acquire security equipment (bullet-proof vests and helmets).
2. Insure and issue contracts to the freelance journalists whose services they use to cover dangerous situations.

### RECOMMENDATIONS TO THE UNITED NATIONS SECRETARY-GENERAL

1. On the basis of UN Security Council Resolution 1738, prepare a detailed report on the violence against the press during the recent events in Thailand.
2. As soon as possible obtain an invitation from the Thai authorities for the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extra-judicial, summary or arbitrary executions.

Reporters Without Borders points out that it established a Charter on the Security of Journalists in 2002 (<http://en.rsf.org/reporters-without-borders-30-04-2009,32726.html>) and that it makes reliable security equipment (bullet-proof vests and helmets), communication equipment (distress beacons) and first-aid kits available to journalists. In partnership with the company Escapades Assurances, it also offers insurance cover specifically designed for freelance journalists.

## MAPS OF BANGKOK THE "RED ZONES"



**REPORTERS  
SANS FRONTIERES**  
POUR LA LIBERTÉ DE LA PRESSE

International Secretariat  
**Reporters Without Borders**  
47 rue Vivienne  
75002 Paris, France  
Tel: 33 1 4483-8484  
Fax: 33 1 4523-1151  
Website: [www.rsf.org](http://www.rsf.org)  
E-mail: [rsf@rsf.org](mailto:rsf@rsf.org)

Ambroise Pierre - Africa desk: [afrique@rsf.org](mailto:afrique@rsf.org)  
Benoît Hervieu - Americas desk: [americas@rsf.org](mailto:americas@rsf.org)  
Vincent Brossel - Asia desk: [asie@rsf.org](mailto:asie@rsf.org)  
Elsa Vidal - Europe desk: [europe@rsf.org](mailto:europe@rsf.org)  
Olivier Basille - Europe desk 2: [direction@rsf.be](mailto:direction@rsf.be)  
Soazig Dollet - Middle East desk: [moyen-orient@rsf.org](mailto:moyen-orient@rsf.org)  
Lucie Morillon - Internet desk: [internet@rsf.org](mailto:internet@rsf.org)  
Press contact: [presse@rsf.org](mailto:presse@rsf.org)

**REPORTERS WITHOUT BORDERS** is an international press freedom organisation. It monitors and reports violations of media freedom throughout the world. Consisting of a team of 12 journalists and a network of 140 correspondents worldwide, Reporters Without Borders analyses the information it obtains and uses press releases, letters, investigative reports and recommendations to alert public opinion to abuses against journalists and violations of free expression, and to put pressure on politicians and government officials.

Secretary-general: **Jean-Francois Julliard** | Head of publications : **Gilles Lordet**