



# **“WE WERE JUST TOYS TO THEM”**

PHYSICAL, MENTAL AND SEXUAL ABUSE OF CONSCRIPTS  
IN THAILAND'S MILITARY

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*Cover photo: The “head dip” is a form of abusive punishment often inflicted on conscripts. They are told to hold the position, often with their bare heads on hot concrete or tarmac, for up to half an hour.*  
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# CONTENTS

<b>CONTENTS</b>	<b>3</b>
<b>GLOSSARY</b>	<b>5</b>
<b>1. EXECUTIVE SUMMARY</b>	<b>6</b>
METHODOLOGY	8
<b>2. BACKGROUND</b>	<b>9</b>
THE THAI SYSTEM OF MILITARY CONSCRIPTION	9
OTHER COUNTRIES' EXPERIENCES OF DEALING WITH ABUSES AGAINST MILITARY RECRUITS	10
<b>3. PHYSICAL, MENTAL AND SEXUAL ABUSE</b>	<b>11</b>
DIRECT PHYSICAL VIOLENCE	11
SEXUAL ABUSE	14
RAPE, ATTEMPTED RAPE, AND SIMULATED RAPE	14
FORCING CONSCRIPTS TO LIE NAKED ON TOP OF EACH OTHER	16
“THE TRAIN”	18
FORCING CONSCRIPTS TO MASTURBATE AND EJACULATE IN PUBLIC	19
FORCING CONSCRIPTS TO KISS AND SMELL THEIR COLLEAGUES' BACKSIDES	20
OTHER FORMS OF SEXUAL ABUSE	20
PUNISHMENT THROUGH HARMFUL OR EXCESSIVE PHYSICAL EXERCISES	21
HUMILIATION AND OTHER MENTAL ABUSE	24
SINGLING OUT GAY CONSCRIPTS FOR ABUSE	27
VERBAL ABUSE	28
FORCING GAY CONSCRIPTS TO DANCE AND ENTERTAIN OTHERS	28
FORCING GAY CONSCRIPTS TO MASSAGE COMMANDERS	29
SEXUAL TOUCHING	29
<b>4. TWO ILLUSTRATIVE TESTIMONIES</b>	<b>31</b>
<b>5. INFORMATION, INVESTIGATION AND COMPLAINT MECHANISMS</b>	<b>35</b>

<b>6. INTERNATIONAL HUMAN RIGHTS LAW</b>	<b>38</b>
TORTURE AND OTHER ILL-TREATMENT: AN ABSOLUTE PROHIBITION	38
EQUALITY AND FREEDOM FROM DISCRIMINATION	40
<b>7. CONCLUSIONS AND RECOMMENDATIONS</b>	<b>41</b>
KEY RECOMMENDATION: THE ESTABLISHMENT OF A COMMISSION OF INQUIRY	41
OTHER RECOMMENDATIONS	42
IMMEDIATE MEASURES	42
TREATY ADOPTION, LEGISLATION, INSTITUTIONS	42
LONG-TERM MEASURES	43
APPENDIX: A COMMISSION OF INQUIRY	45
COMPOSITION	45
GUIDING PRINCIPLES	45
MANDATE	45
POWERS	46
RESOURCES	46
WITNESS PROTECTION	46

# GLOSSARY

WORD	DESCRIPTION
<b>BASIC TRAINING</b>	Used in this report to denote the standard period of initial training, lasting around 10 weeks, that all new conscripts undergo before being assigned to specific units or undergoing specific training.
<b>CONSCRIPT</b>	Men who serve in the army under Thailand's compulsory military service laws, and specifically, in this report, those undergoing basic training.
<b>COMMANDER</b>	Used to denote any or all of those who are in position of superiority and command towards new conscripts, be they trainers, NCOs or (commissioned) officers.
<b>MILITARY</b>	Used to cover all major arms of the Royal Thai Armed Forces, namely the Royal Thai Army, Royal Thai Navy and Royal Thai Air Force.
<b>NCO/SERGEANT</b>	Non-commissioned officer, namely a commander who is ranked from corporal to master sergeant first class. Conscripts speaking to Amnesty International often used the term "sergeant" interchangeably with "NCO."
<b>OFFICER</b>	Commissioned officers ranking sub-lieutenant and above, all the way to the highest military ranks.
<b>TRAINER</b>	Conscripts who, following their own basic training, have undergone an additional month-long training and have gone on to instruct new recruits undergoing basic training. They rank as privates but nevertheless are superiors and commanders for new conscripts, and "officials" for the purposes of international law. Conscripts also referred to them as "seniors."

# 1. EXECUTIVE SUMMARY

Each year, around a third of Thailand's young men are made to serve in the armed forces, under the country's compulsory military service laws.

Thai politicians have repeatedly declared their support for the army and its soldiers. Prime Minister General Prayut Chan-o-cha has declared: “*We love our soldiers as our children.*”<sup>1</sup> Deputy Chief of Staff Air Chief Marshal Chalermchai Sri-saiyud has stressed, in a written response to questions from Amnesty International, that the Thai Armed Forces follow a policy of “*treating new conscripts as family members and friends.*”<sup>2</sup> But these positive statements are belied by the actual treatment that military recruits face. Amnesty International has found compelling evidence to show that, in practice, many new conscripts face violence, humiliation and sexual assault, and that gay conscripts, in particular, may be targeted for abuse because of their sexual orientation and gender expression.

New conscripts undergoing basic training may be slapped, beaten and kicked by their commanders. They face collective punishment and are made to perform physical exercises far beyond their endurance, which — predictably — result in fainting or injury. They may on occasion be forced by commanders to jump into septic tanks, or to eat using their mouths only, “*like dogs.*” In the bathing area, while naked, they risk being forced by their commanders to lie on top of each other, walk in a “train” while holding the penises of fellow conscripts, or lie behind each other, smelling and kissing each other's bottoms. Sometimes conscripts have been forced to masturbate and ejaculate in front of each other.

In some egregious cases, conscripts have been raped by their commanders. During the course of this research, Amnesty International documented three cases of rape involving forced sex and two other cases in which gay conscripts were coerced into provide “sexual favours” to commanders in circumstances amounting to rape. Amnesty International's research also shows that gay conscripts endure routine discrimination and suffer verbal abuse and harassment. This includes being forced to entertain and massage commanders, in situations that sometimes involve further sexual abuse.

Under international human rights law, these forms of sexual abuse and ill-treatment are categorically barred. Taking place in a coercive environment in which conscripts have little or no power or control, and often producing intense feelings of shame and humiliation, these abuses constitute cruel, inhuman or degrading treatment or punishment, and in some cases amount to torture. They are prohibited absolutely, in all circumstances and without exception.

As this report details, a key factor in fuelling abuses has been the absence of any effective mechanism for recruits facing ill-treatment to report or complain of their mistreatment. Following a mass shooting incident by a soldier in February 2020, Commander-in-Chief of the Royal Thai Army General Apirat Komsompong vowed to “*open a communication channel*” to hear complaints from troopers who feel they are mistreated.<sup>3</sup>

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<sup>1</sup> “2010 military operation against red-shirt was lawful: junta head,” *Prachatai*, 26 April 2016, <https://prachatai.com/english/node/6081>. See also “บิ๊กตุ๊สลายมือบเสื้อแดง ปี53 เมื่อเป็นคำสั่งที่ชอบด้วยกฎหมายก็ต้องทำ [Big Tu indicates that the crackdown of 2010 protests was lawful and had to be carried out],” *Maticchon*, 25 April 2016, [https://www.maticchon.co.th/politics/news\\_117104](https://www.maticchon.co.th/politics/news_117104).

<sup>2</sup> Letter from Air Chief Marshal Chalermchai Sri-saiyud, Deputy Chief of Staff, Royal Thai Armed Forces, to Amnesty International, 7 January 2020.

<sup>3</sup> Pravit Rojanaphruk, “Army chief vows to hear grievances, refuse to quit over mass shooting,” *Khaosod English*, 11 February 2020, <https://www.khaosodenglish.com/politics/2020/02/11/army-chief-vows-to-hear-grievances-refuse-to-quit-over-mass-shooting/>. See also “

International law requires that the Thai government take immediate measures to end these abuses. Amnesty International has formulated a number of detailed recommendations for reform, the most crucial being that the National Assembly establish a commission of inquiry (COI) to comprehensively investigate the treatment of conscripts in the Thai military. This COI should:

- be independent, professional and well-resourced;
- have powers to interview whomever it deems necessary — including former and serving conscripts and commanders — and obtain relevant documents;
- apply international human rights principles, both in its methods of work, the standards it applies, and in its findings and recommendations;
- include wide-ranging recommendations for changes in laws, orders, policies, practices, training, and, more generally, the culture of dehumanisation within the Thai military, so as to end the abuse of soldiers once and for all.

In the immediate term, Amnesty International strongly recommends that the military take a number of preventive measures, including issuing orders explicitly prohibiting the abuses detailed in this report, ensuring that trainers are under constant supervision from higher-ranking commanders, and instituting night inspections by officers.

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ผบ.ทบ.ลาออกรับผิดชอบเหตุทหารกราดยิง ‘อภิรัชต์’ แดงทั้งน้ำตา ยืนยันไม่ออกและไม่ยอมแพ้ [Army Chief should resign for mass shooting. ‘Apirat’ says in tears will not quit nor give up],” *Prachatai*, 11 February 2020, <https://prachatai.com/journal/2020/02/86290>. See also “‘อภิรัชต์’ หลังน้ำตาขอโทษ ตอบคำถามกระแสวิพากษ์วิจารณ์ [‘Apirat’ apologizes in tears, responds to request for resignation],” *Youtube*, 10 February 2020, <https://www.youtube.com/watch?v=fJa14H-Yaac>.

# METHODOLOGY

Amnesty International conducted 26 interviews with former and serving conscripted soldiers and commanders during two research missions to Thailand in September and October 2019. These included 24 former and serving conscripts in different branches of the Royal Thai Armed Forces, with interviews focusing on the 10-12 weeks of basic training they underwent at the beginning of their service. Most of the interviews were conducted in person, but a few were conducted remotely, including before and after the research trips. Amnesty International also interviewed three commanders (who were serving in the military at the time of the interview) and one former commander. Specifically, we interviewed a former trainer (whom we are calling “Zin”), a serving non-commissioned officer (“Mai”), a young serving officer (“Yut”), and a high-ranking, long-serving army officer.<sup>4</sup>

This research is based primarily on the experiences of 19 conscripts who underwent basic training between November 2016 and July 2019. Five other recruits who were interviewed underwent basic training between November 2014 and July 2016, with their testimonies being used to establish longer-term patterns of abuse. This report focuses on the period of basic training, but it does not examine the specific military skills taught as part of this training.

The majority of the conscripts whom Amnesty International interviewed served in the Royal Thai Army. Their army units included infantry, artillery, communications, transportation, anti-aircraft, and ordnance.

In preparing this report, Amnesty International also spoke to several experts. These included an academic who researched the treatment of gay conscripts in the Thai military; a professor of psychiatry and expert in treating torture survivors; and three serving and retired military officers — including “Yut,” mentioned above, who is an officer with extensive experience concerning training, both in Thailand and abroad; a retired three-star general from Canada, and a former captain in the Norwegian army. The latter two foreign military officers were able to provide comparative information about training practices elsewhere.

To obtain a full picture of the situation, Amnesty International wrote to the Thai authorities, and specifically to the Commander-in-Chief of the Royal Thai Armed Forces, General Pornpipat Benyasri, requesting detailed information on the treatment of new conscripts and expressing our willingness to meet with him or other officials to discuss this subject.<sup>5</sup> While we received a brief reply to our letter in January, it did not include responses to the specific questions that we had posed.<sup>6</sup>

Although abuses in the armed forces have long been an open secret in Thai society, Amnesty International faced considerable difficulties finding former and current conscripts willing to talk about their experiences. Both those who spoke to us about their experiences and those who would not expressed fear of reprisals from the military, if it became aware that they had criticised it or had even spoken about their experiences as recruits. Every single Thai interviewee who served in the military, or who is currently serving in the military — from privates to officers — requested that we not publish any details that could allow the Thai authorities to identify them. We therefore assigned each interviewee a Thai nickname unrelated to his real name, and also omitted the exact dates of interviews, the places of interviews, and the places of service of interviewees.

Amnesty International is grateful to all who helped this research, including local civil society organizations, the retired three-star Canadian general (who wished to remain anonymous), Captain (ret.) Aksel Steen-Nilsen, the two Thai military officers, NCO “Mai,” trainer “Zin,” Prof. Metin Başoğlu, and CJ Hinke.

Most of all, we are deeply grateful to the current and former conscripts in the Thai military who shared with us experiences that were often deeply personal and upsetting, and did so despite fearing reprisals.

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<sup>4</sup> Besides interviewing former trainer “Zin” and NCO “Mai” about their experiences as commanders, we also spoke to them about their earlier experiences as recruits. For that reason, our total number of interviews was 26 not 28.

<sup>5</sup> Letter from Amnesty International to Gen. Pornpipat Benyasri, ASA 39/1281/2019, 29 October 2019.

<sup>6</sup> Letter from Air Chief Marshal Chalermchai Sri-saiyud, Deputy Chief of Staff, Royal Thai Armed Forces, to Amnesty International, 7 January 2020.

# 2. BACKGROUND

## THE THAI SYSTEM OF MILITARY CONSCRIPTION

The Thai Constitution provides for compulsory military service.<sup>7</sup> Under the Military Service Act, every Thai male (with a few exceptions) is required to enlist for service in the armed forces at the age of 18 years, though the summons for service will only be issued at the age of 21.<sup>8</sup> The country does not recognise the right to conscientious objection to military service.

Besides women, who are not subject to conscription, several categories of men are deemed exempt.<sup>9</sup>

The military draft takes place every April at local recruitment centres throughout Thailand. Young men are required to undergo physical and psychological fitness tests ahead of enlistment. Those who at the time are enrolled in university or other higher education programmes can have their service deferred until graduation.

The standard length of compulsory military service is two years, but university graduates need only serve for one year. In addition, under Defence Ministry regulations, those who “volunteer” for military service serve for half the standard term (in other words, most volunteers serve for one year, but university graduates who volunteer serve for six months).<sup>10</sup> Those who pass the fitness test and do not volunteer must take part in a lottery. The number of those conscripted through this lottery varies, depending on the quota allocated for the specific recruitment centre and the number of those who have volunteered. Those who draw a red card must serve, while those who draw a black card are exempt from military service.

In 2018, 104,734 young men were enlisted out of the 356,978 who were initially summoned.<sup>11</sup>

Most conscripts are recruited into the army, and start their service in two cycles annually — in May and November.<sup>12</sup> All initially undergo 10 weeks to three months of general basic training before joining specific units, which may or may not require additional training.

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<sup>7</sup> Article 50(5) of the Constitution of the Kingdom of Thailand (2017, B.E. 2560) lists serving in the armed forces “as provided by law” as one of the duties that “every person” in Thailand must carry out. For more information regarding Thailand’s compulsory military service and a review of its history, see Siwach Sripokangkul, John Draper and CJ Hinke, “Case Study: The Military Draft in Thailand,” in CJ Hinke, *Free Radicals: War Resisters in Prison* (Waterville, OR, USA: TrineDay, forthcoming electronic edition, 2020). Amnesty International is grateful to the authors for providing an advance copy of the chapter.

<sup>8</sup> Military Service Act (1954, B.E. 2497).

<sup>9</sup> As a policy matter, those who have completed three years in the Reserve Officer Training programme during high school or obtained a diploma from the Armed Forces Academic Preparatory School are exempted from service. Buddhist monks, clerics of Chinese and Vietnamese Buddhist schools, and men with disabilities who are considered unsuitable for service are also exempt from enlistment, as are transgender women who are “diagnosed” as “gender differing from sex assigned at birth.” The certification requires a diagnosis from three different psychiatrists and a successful psychology test of more than 800 questions, which reflects Thailand’s outdated and discriminatory views on gender identity, experience and expression.

<sup>10</sup> See, for instance, Committee on the Rights of the Child, Initial reports under Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: Thailand, UN Doc. CRC/C/OPAC/THA/1, 19 July 2011, para. 31; Teerawit Sinturos, *Situation of Tut and Gay Conscripts in the Thai Military*, MA dissertation in gender studies, Asian Institute of Technology, submitted 28 August 2018.

<sup>11</sup> Sinturos, *Situation of Tut and Gay Conscripts in the Thai Military* (2018).

<sup>12</sup> The Air Force trains in two cycles, while the Navy trains in four yearly cycles. The start date varies, depending on the location of the camp.



↑ A young man draws a lottery on the recruitment day. Those who pass the fitness test and do not volunteer must take part in a lottery. Those who draw a red card must serve, while those who draw a black card are exempt from military service. © Wana Wanlayangkoon

## OTHER COUNTRIES' EXPERIENCES OF DEALING WITH ABUSES AGAINST MILITARY RECRUITS

Problems of violence, bullying, humiliation, and sexual abuse of military recruits are by no means limited to Thailand. Such abuses — which are sometimes characterized as “hazing” — have been documented in militaries around the world, including Australia, France, Russia, the Philippines, the United Kingdom, and the United States.<sup>13</sup>

Several governments have taken robust steps to combat the problem. The UK, for instance, established an independent, civilian Service Complaints Ombudsman in 2015,<sup>14</sup> and in 2006 the US Army established a program meant to prevent and respond to sexual abuse in the military.<sup>15</sup> Significantly, both the UK and the US systems offer direct, safe, and confidential channels for communicating distress and launching complaints. Although neither state has managed to eliminate abusive practices entirely, their efforts to address this difficult and uncomfortable issue should encourage reformers in Thailand.

If the National Assembly of Thailand establishes a commission of inquiry into the abuse of conscripts, as Amnesty International is recommending, that commission should consider reviewing the best practices developed by other states' militaries.

<sup>13</sup> See, for instance, United States Government Accountability Office Report to Congressional Committees, *DOD and Coast Guard: Actions Needed to Increase Oversight and Management Information on Hazing Incidents Involving Servicemembers*, February 2016, <https://www.gao.gov/assets/680/675040.pdf>; Human Rights Watch, *Russia: Systematic 'Hazing' a Serious Abuse, Officers' Corps and Government Fail to Act*, 4 October 2004, <https://www.hrw.org/news/2004/10/19/russia-systematic-hazing-serious-abuse>; Angelique Chrisafis, “Legionnaires on defensive: Legendary force faces claims recruits were abused,” *The Guardian*, 24 February 2009, <https://www.theguardian.com/world/2009/feb/24/french-legion-abuse>; Dan Warburton and Sean Rayment, “Over 100 British Army instructors accused of abusing recruits, drugs and porn,” *The Mirror*, 22 June 2019, <https://www.mirror.co.uk/news/uk-news/over-100-british-army-instructors-16783649>; Alfred W. McCoy, “‘Same Banana’: Hazing and Honor at the Philippine Military Academy,” *The Journal of Asian Studies*, August 1995; Hazing in the ADF: A culture of denial? *Australian Army Journal*, 2013, <https://search.informit.com.au/documentSummary;dn=245909138300331;res=JFLAPA>.

<sup>14</sup> Armed Forces (Service Complaints and Financial Assistance) Act 2015. For her annual reports see the Ombudsman's website, <https://www.scoaf.org.uk/annual-reports/>.

<sup>15</sup> See the programme's website, <https://www.sexualassault.army.mil/>.

# 3. PHYSICAL, MENTAL AND SEXUAL ABUSE

## DIRECT PHYSICAL VIOLENCE

Numerous recruits spoke to Amnesty International about enduring physical violence from commanders during their period of basic training. Direct physical violence against conscripts took the form of slaps, kicks and other types of beatings, with commanders using their hands, sticks, combat boots, helmets and, at times, the butts of their guns. Amnesty International did not investigate any cases in which conscripts died, but cases of suspicious conscript deaths have been covered in the media and reported to human rights organisations.<sup>16</sup>

A senior Thai officer who spoke to Amnesty International said that under military orders, a commander punishing a soldier “*is not allowed to touch the soldier.*”<sup>17</sup> The existence of an order to avoid physical contact while punishing was confirmed to Amnesty International not only by current NCO “Mai” and former trainer “Zin,” but also by several conscripts. However, every single one of the 19 conscripts who underwent basic training between November 2016 and July 2019 described to Amnesty International either being beaten himself or seeing others being beaten by their commanders. NCO “Mai” and the young officer reported beatings by commanders even during their professional trainings.

Many of these beatings are a form of instant punishment for conscripts whom commanders considered to be ill-disciplined, lazy, or uncooperative. For instance, “Krit” told Amnesty International: “*A conscript who was in another company was once caught drinking [alcohol]. He was hit hard and I saw blood coming out of his mouth.*”<sup>18</sup>

Slapping is a common type of physical mistreatment. For instance, “Itt” told Amnesty International how commanders slapped him and others:

*“Occasionally we were kicked or slapped. They’d slap us in the face full strength — they would move their arms back and then slap [us] with full force, so you could see the prints of the fingers on the person’s face. Maybe they had problems at home and they were in a bad mood.*”

*“I was slapped one time, when I went to the toilet without permission. A sergeant punished me by ordering me to do some exercises — push ups, stand ups. After 15 minutes it became really*

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<sup>16</sup> See Sripokangkul, Draper and Hinke, “Case Study: The Military Draft in Thailand” (forthcoming 2020). This book chapter lists 12 cases of Thai soldiers who died in suspicious circumstances over the past decade, the first in April 2009, the last in May 2019. See also “Beaten conscript dies after 24-day coma,” *Bangkok Post*, 14 September 2018 (describing an army conscript who died from injuries allegedly sustained during a disciplinary session ordered by senior conscripts). The Thai military authorities often deny that the cause of death was ill-treatment or neglect on their part. In some cases they claim to have taken steps to stop the deaths from occurring. See, for instance, Wassana Nanuam, “Army orders end to conscript deaths,” *Bangkok Post*, 15 May 2018. Note that Amnesty International had originally planned to investigate some recent cases of conscripts who died, but we were unable to do so: family members of deceased conscripts seemed terrified that their identities might be exposed, and that they might be subjected to reprisals. While one family member described the death of a relative, it would have been impossible to narrate the case without effectively identifying the victim, and therefore the family. We therefore chose to omit the case from this report.

<sup>17</sup> Amnesty International interview, September 2019.

<sup>18</sup> Amnesty International interview, October 2019.

*difficult, so I said I couldn't do it any more, that I was going to faint, but he told me to go on. I didn't so he told me to get up and slapped me across the face. It was a sergeant.*"<sup>19</sup>

Those who were believed responsible for serious disciplinary infractions, for instance smoking, were often punched, kicked and slapped.

Current and former conscripts said that commanders sometimes used helmets to beat them. For instance, "Aof" told Amnesty International:

*"During the gun training, we had two bullet-free sessions. Before the bullet training session began, trainers asked whether anyone had a question. No one said anything, but when everyone was in position, the trainer saw that some soldiers didn't understand their instructions for the training. The trainer got a helmet and knocked it on a conscript's head ... Three to four people were hit in the head during this incident."*<sup>20</sup>

## DIRECT PHYSICAL VIOLENCE



*Conscripts face beatings, slapping, kicking, and hitting if commanders consider them to be ill-disciplined, lazy, or uncooperative.*  
© Wana Wanlayangkoon

At night, the darkness provided cover for more serious, systematic beatings. "Daeng" told Amnesty International about one such incident:

*"Once three or four conscripts ran away and were caught. Five, maybe six sergeants and other commanders took them out in the night and beat them up. The next morning, they had marks on their bodies — chest and back, not face. This happened during the early period of the training. Later, if soldiers weren't obeying orders or training well enough the sergeants would tell them: "tonight you'll see." The next morning they'd have bruises on their bodies. None of them were sent to the hospital, they'd go to the medics, they'd try to keep it quiet. In the morning, the trainers would say: "this guy has over 37 degrees," or "this guy fell" — and they'd be taken to the clinic. Once a conscript was in the clinic for a week. This kind of beating at night would happen to two or three guys every month."*<sup>21</sup>

"Rak" told Amnesty International that he had experienced a combination of beatings and humiliation at night, in a yard normally used for games such as football:

*"So the conscripts [were ordered] to strip naked. If you turn off the light it's very dark and they used it to beat people up. Sometimes we were made to do exercises naked. They would kick us, punch us. Their first rule was: not in the face or limbs — only on the torso. They don't want anything to be seen. Both sergeants and trainers would do this to us ... I personally was beaten in this way, while naked. It happened a lot.*

*"My face looks a bit like I'm looking for trouble, so I'd get beaten several times."*<sup>22</sup>

<sup>19</sup> Amnesty International interview, September 2019.

<sup>20</sup> Amnesty International interview, September 2019.

<sup>21</sup> Amnesty International interview, September 2019.

<sup>22</sup> Amnesty International interview, October 2019.

At times sticks, batons, combat boots or the butts of guns were used to beat conscripts. As “Fong” described:

*“Once three guys were caught smoking in the bathroom. The trainer called them outside in front of all the conscripts and beat them with a stick on the buttocks. He beat each of them five or six times. They all cried.”<sup>23</sup>*

According to “Sarote”:

*“During weapon training, we’d train with old guns. Those who didn’t do what they were told properly were told to jump and when they did their heads met the butt of the sergeants’ guns. They weren’t wearing helmets. In my unit, no one was badly hurt as a result of this, only one guy got a bad headache and had to be hospitalised.”<sup>24</sup>*

“Oak” and “Tor” described a number of ways in which conscripts were beaten. “Oak” told Amnesty International:

*“One day during gun training some of us didn’t follow the instructions, we put our finger on the trigger. The guns were not loaded. We got slapped and kicked. We did something wrong, but the punishment was too harsh.*

*“I saw slapping and kicking every day, to different persons, including myself. It hurt of course, but nobody got seriously injured — it was more to humiliate. They’d also use sticks and helmets. Sometimes they use the butts of the gun to beat you — most of the time when we practised shooting while lying on the ground, so they would sometimes hit us on the head when we had helmets on.”<sup>25</sup>*

According to “Tor”:

*“Sometimes they’d slap a person on the head (not face) quite harshly but not enough to knock you out. They’d hit you once or twice — mostly for a serious violation. If they saw people smoking behind the bathroom they’d go and slap them ... Those who brought meth [to the barracks] faced physical punishment — they were mostly kicked, if you were sitting they’d kick your neck, hard enough for you to fall down ... During weapons training the trainers would sometimes use helmets to hit you — mostly those who didn’t do it right, like pointing the gun at others or not locking the safety catch. There were no bullets in the guns at that stage.*

*“If you did something wrong during weapon training they used mostly slapping, sometimes they’d hit you with a stick on the buttocks. Or used the gun as a stick and beat you.”<sup>26</sup>*

“Un” also elaborated how wooden sticks, pipes and other blunt objects were used to beat conscripts:

*“[O]nce someone escaped from the camp and was caught. They interrogated that person on the training grounds, tried to force him to admit that he went AWOL (which is what he did). The seniors then just beat him with wooden sticks, pipes, blunt objects. They didn’t intend to seriously hurt him — but it was quite harsh, and left him with bruises. This kind of beating happened more than once.”<sup>27</sup>*

Beating are apparently carried out to entertain the senior trainers — at the expense of conscripts getting hurt. According to “Un”:

*“The seniors sometimes would be violent like they were playing a game. One time we were about to be handed out t-shirts. The senior asked: does anyone want this t-shirt? Someone came to receive*

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<sup>23</sup> Amnesty International interview, September 2019.

<sup>24</sup> Amnesty International interview, October 2019.

<sup>25</sup> Amnesty International interview, October 2019.

<sup>26</sup> Amnesty International interview, October 2019.

<sup>27</sup> Amnesty International interview, October 2019.

*it, and the senior then hit him hard in the chest, using his fist through the t-shirt. The guy collapsed. I was shocked; it didn't seem real. Fortunately, he recovered.*<sup>28</sup>

While many of the beatings we learned of did not cause any serious injuries, under international law these and all other forms of corporal punishment are prohibited at all times as they violate the prohibition on torture and other ill-treatment, which is absolute.<sup>29</sup>

### **THE SYSTEM OF RELYING ON TRAINERS/SENIORS TO SUPERVISE NEW CONSCRIPTS**

Much of the supervision and instruction of new conscripts' training, as well as other aspects of their life during basic training, is done by trainers, or seniors, whose task is officially to support NCOs and other higher-ranking commanders.

As a high-ranking Thai officer told Amnesty International, trainers are conscripts who undergo an additional month of training after they complete their own basic training, and who then serve as trainers for new conscripts.<sup>30</sup> He added that, during that month, *“they are taught how to impose discipline, they undergo psychology training, social psychology. A trainer is like a teacher: he needs to know how to teach, how to take care of his students.”*<sup>31</sup>

However, the depth of “psychology” and “social psychology” that can be taught in the space of a month is limited. Indeed, from conscripts' testimonies to Amnesty International it is clear that few trainers seem to have become “like teachers.” Instead, our research indicates that they have in many cases inflicted or participated in much of the abuse described in this report.

Captain (ret.) Steen-Nilsen, a Norwegian military expert, commented directly on this system:

*“The seniority system in the Thai army where conscripts become instructors after basic training plus a one month course is a very bad system. It was like that in the Norwegian army when I was a young recruit, and there was abuse. Later on I realised that a lot of the abuse we suffered was exactly what our instructors experienced — they thought this was the right way, the only way to train soldiers.”*<sup>32</sup>

## **SEXUAL ABUSE**

Amnesty International has found that many new recruits suffer rampant, routine and often severe sexual abuse by their commanders.<sup>33</sup> Of the 19 conscripts we interviewed, 17 told us they experienced or witnessed sexual abuse, or heard from its victims — and only two said they had not.<sup>34</sup> Conscripts were targeted collectively and individually for sexual abuse. Several forms of serious sexual abuse were inflicted repeatedly across units, camps and training cycles by commissioned officers, NCOs and trainers. Notably, conscripts who either identified or were perceived as gay were often targeted for sexual abuse because of their sexual orientation and gender identity or expression.

## **RAPE, ATTEMPTED RAPE, AND SIMULATED RAPE**

Amnesty International documented three cases of rape, one of simulated rape, and two other cases in which conscripts were coerced into providing “sexual favours” to commanders, which likely amounted to rape. One

<sup>28</sup> Amnesty International interview, October 2019.

<sup>29</sup> See Amnesty International, *Combating torture and other ill-treatment: a manual for action*, pp. 84-88. Index: POL 30/4036/2016, available at: [www.amnesty.org/ctm](http://www.amnesty.org/ctm).

<sup>30</sup> Amnesty International interview, September 2019.

<sup>31</sup> Amnesty International interview, October 2019.

<sup>32</sup> Amnesty International telephone interview, 21 November 2019.

<sup>33</sup> In using the term “sexual abuse,” Amnesty International is referring broadly to abusive sexual behavior perpetrated by one or more persons upon another. It is not using the term to refer specifically to the crime of sexual abuse under any particular country's domestic law.

<sup>34</sup> Amnesty International deeply appreciates the courage of the young men we interviewed, who shared experiences that clearly were extremely difficult for them to relate. Some of the current and former conscripts laughed nervously as they described what had occurred; others cried; some choked up and took breaks, but none would accept our invitation to end the interview. Note that all five interviewees who underwent basic training before November 2016 spoke to Amnesty International of sexual abuse.

conscript from an earlier cycle described how he was subjected to an attempted rape. Most — but not all — of the rape survivors self-identified or were perceived as gay.

Some of the conscripts chose to provide only short, undetailed descriptions about the rape and other forms of sexual abuse they and others were subjected to. For instance, “Un” told Amnesty International: *“some seniors would ask gay conscripts to do them sexual favours. Maybe those guys did that to stop the seniors from bullying them.”*<sup>35</sup>

Others described incidents at greater length. “Fong,” who is — and was as a conscript — openly gay, told Amnesty International how he was sexually assaulted by some of his commanders:

*“One night I was sleeping in my bunkbed. Five to six trainers came in, one snuck under the mosquito net and laid besides me. Another pulled out his penis and tried to put it in my mouth. The one lying beside me ... [said]: “how are you, honey?”*

*“A trainer ordered me to bend over and touch my feet. Then he ordered another trainer to dry-hump me. He was wearing trousers but I could feel his erection. They laughed. I still remember the image of all of them laughing at me. It still haunts me. It was a moment I never thought I’d face. Even though I prepared myself for abuse before I entered the army. I knew it was only going to get worse.”*<sup>36</sup>

“Fong” told of how he escaped further abuse because his family contacted a high-ranking officer they knew, who intervened to stop it.



#### THE ACCOUNT OF “DAENG”

“Daeng” told Amnesty International he had witnessed a soldier carry out numerous rapes:

*“[A]t 6 pm, when ... [conscripts] were supposed to have a shower, a high-ranking officer... would tell conscripts to finish their showers quickly, by 6:30. He would then force a soldier to have sex right there in the shower area. It happened several times. This happened around [specifies time]. That officer does this to every batch [of conscripts]. The consolation is that you will retire once the new batch comes in.*

*“We stand for the national anthem at 6pm. Then we go to have a shower. Sometimes I’d go to the bathing area when the intercourse was taking place, and the officer would threaten me: “Your lips must be sealed, you know what would happen to you if you talk.” But he didn’t punish me. The two I know who had to have intercourse with him are straight guys. During my training, he first picked three guys. He asked them to give him a massage and the one that he liked most he went on to have sex with.*

*“It would start with blowjobs and would escalate to penetration. What I witnessed with my eyes were just blowjobs. The guys are too afraid to complain because he’s a very high-ranking officer. One of the guys that had to go through this has a wife and children, but he had to do it. He couldn’t complain, he needed to live with it. He knew that once a new batch comes in he will be free.”*<sup>37</sup>

<sup>35</sup> Amnesty International interview, October 2019.

<sup>36</sup> Amnesty International interview, September 2019.

<sup>37</sup> Amnesty International interview, September 2019.

“Rak” witnessed the run-up to the rape of another gay conscript:

*“Every soldier was given a small box of condoms, to prevent STDs. One day the senior was asking me questions in front of the dorm that I was guarding ... Then he took my condoms from me ... then he took a conscript who was a “katoey”<sup>38</sup> and went inside a room to have sex with him.*

*“... [T]here was a power dynamic. Even if the trainer or sergeant asks for sex there’s no way to say no to them. Whatever they told us, we had to do.”<sup>39</sup>*

“Rak”’s description of the “power dynamic” involved explains why such sexual acts constitute rape even if the victim did not refuse, or appeared to consent. Under international law and many national legal systems, the crime of rape does not require force. For instance, the crime of rape in the Rome Statute of the International Criminal Court is described as a sexual invasion of a person’s body “committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power ... or by taking advantage of a coercive environment, or ... committed against a person incapable of giving genuine consent.”<sup>40</sup> As conscripts emphasised, the environment during basic training in the Thai military is often coercive, oppressive, potentially violent and akin to detention. In such an environment and within such a power dynamic, saying “no” to sex with a commander is not a real option. Therefore, sexual advances by commanders, their suggestion of sexual acts, and even their “requests” for sex with a conscript, are inherently commands. Sex in these circumstances is coerced, and, where it involves a “sexual invasion,” constitutes rape under international law.<sup>41</sup>

All acts of rape by officials constitute torture under international law.<sup>42</sup> This clearly includes commanders — who are state officials — raping soldiers under their command.

## FORCING CONSCRIPTS TO LIE NAKED ON TOP OF EACH OTHER

Seven interviewees, who trained during four training cycles in five different camps, as well as one from a previous cycle, told Amnesty International that commanders forced them to lie on top of each other while naked.

This abuse, like most of the collective forms of sexual abuse conscripts faced, was inflicted in the bathing area when conscripts went there to wash together at the end of the training day.<sup>43</sup> “It” described the area as an “open space, with two baths [or water containers], a corridor, also toilets that are more private.”<sup>44</sup> “Piya” explained that in his unit “each one has a bucket, there’s a huge water container, you take the water and pour it over yourself.”<sup>45</sup>

“Vit” explained the regime during washing:

*“The bath area is public, you don’t have privacy. You have one bucket, shampoo, soap, towel, and need to carry this with you and go into the bath area. They’d give you five minutes, but a senior keeps an eye on you. We’d be 40 people together, it was quite crowded. They’d tell you what to do.*

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<sup>38</sup> A term used in Thailand to describe a male-to-female transgender person.

<sup>39</sup> Amnesty International interview, October 2019. See the fuller description above.

<sup>40</sup> International Criminal Court, Elements of Crimes, UN Doc. PCNICC/2000/1/Add.2 (2000), Article 8 (2) (e) (vi)-1. The specific description is of rape as a war crime, but these elements are not unique to war.

For a discussion see Amnesty International, *Rape and sexual violence: human rights law and standards in the International Criminal Court*, Index: IOR 53/001/2011 (2011), <https://www.amnesty.org/download/Documents/32000/ior530012011en.pdf>. See also CEDAW General Recommendation 35, which calls upon states to: “Ensure that the definition of sexual crimes ... is based on lack of freely given consent, and takes account of coercive circumstances.” CEDAW General Recommendation No. 35 on gender-based violence against women (14 July 2017), para. 33.

<sup>41</sup> An “invasion,” in this sense, could involve penetration of the anus, or forced oral sex, or penetration using an object. See, for instance, *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, International Tribunal for Rwanda, Judgment of 2 September 1998, para. 10A.

<sup>42</sup> See, for instance, *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, International Tribunal for Rwanda, Judgment of 2 September 1998, para. 687; *Prosecutor v. Zejnil Delalic*, Case No. IT-96-21, International Tribunal for Former Yugoslavia, Trial Chamber II, Judgment of 16 November 1998, paras. 475-496, 943, 965; December 1998, paras. 264-9; *Aydin v. Turkey*, European Court of Human Rights, Reports 1997-VI (57/1996/676/866), Judgment of 25 September 1997, para. 86; *Fernando and Raquel Mejia v. Peru*, Inter-American Commission on Human Rights, Report No. 5/96, Case No. 10.970, 1 March 1996, para. B(3)(a).

<sup>43</sup> Some former conscripts referred to this area as the “shower area” or “bath area.”

<sup>44</sup> Amnesty International interview, September 2019.

<sup>45</sup> Amnesty International interview, October 2019.

*You can brush your teeth, now you have five buckets [to wash yourself] ... [with] punishments if you don't do things exactly as you're told.*<sup>46</sup>

“Aof” told Amnesty International about being forced to lie naked on top of other recruits:

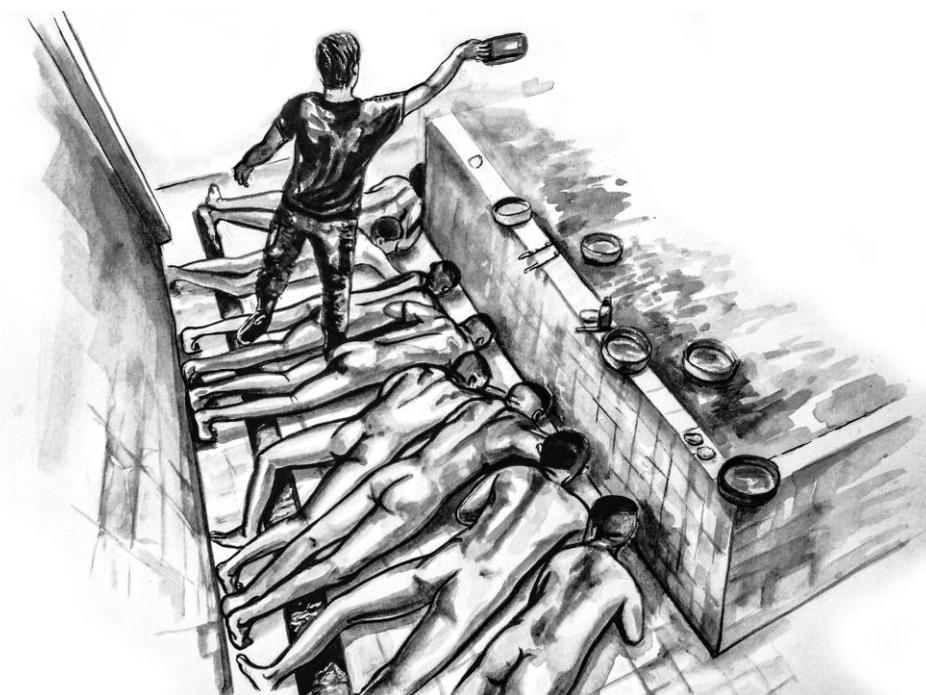
*“[W]e had to strip naked going to the shower area ... We often were too loud in the shower, because they were 70 people in the unit. The trainers or other commanders would then order us to lie down — we had to do this immediately, on the spot. Since the shower area was about 7x10 square meters and there were 70 of us, we had to lie literally on top of each other's bodies. The commanders didn't set a specific time for us to stay down on the floor, so we would be in that position maybe for a couple of minutes.”*<sup>47</sup>

“Krit” described a similar experience:

*“Sometimes we were ordered to lie down, there wasn't enough space for everyone in the room and we lay mostly on the dirt floor. Because of the lack of space and because we had to [lie down] immediately, we'd have to lie on top of each other. It wasn't punishment — they were just trying to tease us, to be funny. For me it wasn't so funny because I felt we were just toys to them, not human beings.”*<sup>48</sup>

The fact that the limited space played a part is immaterial, as the commanders were well aware that they were unnecessarily forcing unwanted intimate bodily contact on conscripts. And yet they continued to do so repeatedly.

A variation on this form of abuse is forcing a conscript to crawl, or slide over the naked bodies of his colleagues, while naked himself. This was inflicted on two of the seven men, and one who trained prior to our core research period. “Un” described how it took place: *“we were told to lie down on our backs and one person slid over us. That person was randomly chosen. It was quite terrible, very humiliating, but we had to do what they told us to do.”*<sup>49</sup>



© ↑ Seven interviewees said that commanders forced them to lie on top of each other while naked. © Wana Wanlayangkoon

<sup>46</sup> Amnesty International interview, October 2019.

<sup>47</sup> Amnesty International interview, September 2019.

<sup>48</sup> Amnesty International interview, October 2019.

<sup>49</sup> Amnesty International interview, October 2019.

## “THE TRAIN”

This form of collective sexual abuse was inflicted on nine of the conscripts interviewed by Amnesty International, who trained in nine different provinces during five different training cycles. Both “Zin,” who served as a trainer during this period, and officer “Yut,” acknowledged that the practice occurred. Normally taking place in the bathing area, the practice involves forcing conscripts, while naked, to hold each other’s penises. It is called “the train,” among other names, because whilst in this position, soldiers are forced to stand, and at times walk, in a column or a circle, often around the water container.

“Hem” told Amnesty International:

*“Sometimes we were ordered to hold each other’s penis. You are not allowed to have a free hand, so you have to hold the penises of two friends [in front of and behind you], and you stand in a column. This happened maybe three or four times.”<sup>50</sup>*

“Un” said:

*“There’s a big bath, we’d gather around it in a circle. The trainers told us to hold each other’s private parts while standing in a circle. They said: “Now hold it, now play with it.” We did as we were told.”<sup>51</sup>*

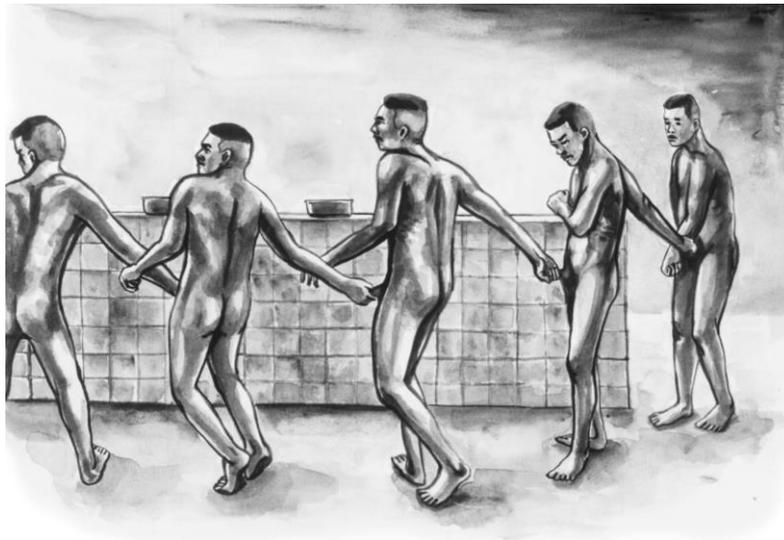
According to “Piya”:

*“One time they wanted to embarrass us, so before going into shower, they ordered each of us to hold the penis of the person in front of him and behind him. We had to put our hand under the body of the person before us to reach his genitals, and walk in this way into the shower area.*

*“I don’t even know how to explain how I felt. We shouldn’t have been treated this way.”*

While it happened only once to “Piya,” “Itt” and “Rak” said this abuse was inflicted “almost every day.”<sup>52</sup>

While acknowledging the routine use of this form of abuse, trainer “Zin” did not appear concerned with his soldiers’ humiliation and suffering: *“Making trainees hold each other’s penises in the shower area was a normal thing; it was just amusement, not punishment ... it was just fun.”<sup>53</sup>*



But officer “Yut,” while acknowledging this practice — and even telling Amnesty International he had experienced it — was scathing: *“NCOs go to the same military schools before they split up. So traditions are repeated, then applied even by trainers ... We need to do something about it.”<sup>54</sup>*



*Normally “the train” takes place in the bathing area. The practice involves forcing conscripts, while naked, to hold each other’s penises. © Wana Wanlayangkoon*

<sup>50</sup> Amnesty International interview, September 2019.

<sup>51</sup> Amnesty International interview, October 2019.

<sup>52</sup> Amnesty International interview, September 2019. According to “Rak,” it happened every day towards the end of his basic training. Amnesty International interview, October 2019.

<sup>53</sup> Amnesty International interview, October 2019.

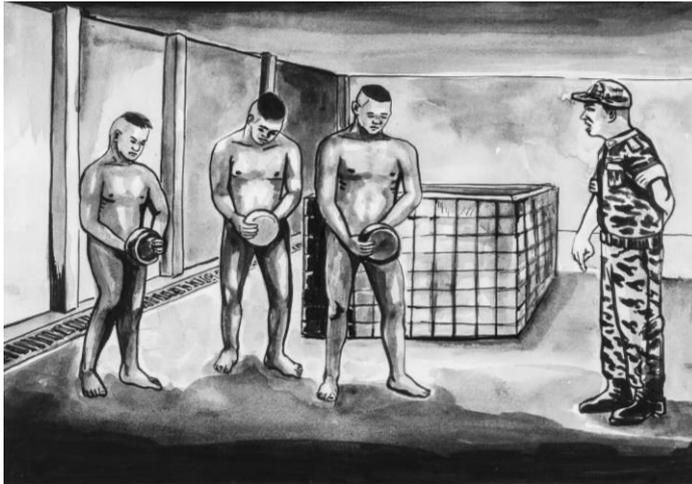
<sup>54</sup> Amnesty International interview, October 2019.

## FORCING CONSCRIPTS TO MASTURBATE AND EJACULATE IN PUBLIC

Eight conscripts, trained in four different cycles in camps located in eight different provinces, told Amnesty International that they were forced by commanders to masturbate and ejaculate in public.<sup>55</sup> There has been some, albeit sparse, coverage of this extreme form of sexual humiliation in the Thai media.<sup>56</sup>

“Oak” told Amnesty International how the practice took place: “Sometimes they forced us to masturbate in front of each other. Everyone was like — OK let’s just get it done, let’s finish this and go to bed. You jerk off and show them the cum.”<sup>57</sup>

### PUBLIC MASTURBATION AND EJACULATION



Eight conscripts said they were forced by commanders to masturbate and ejaculate in public.

© Wana Wanlayangkoon

“Gorn” recalled:

*“[O]ne day the commanders ordered us all to masturbate. This was after the visiting day — they said it was in order to make us relax. We had to show them the cum. I felt like it wasn’t necessary — it wasn’t something that people should do together. We felt embarrassed because we had to do this in front of everyone and it’s a very private thing.”<sup>58</sup>*

According to “Itt,”

*“[T]hey told us to masturbate into the washing bucket and that was really bad. There were 30 to 40 people in my company. A trainer and another low-ranking soldier were there. They told us this is to relax [us], not a punishment. We had to ejaculate into the bucket and we had to show them the cum before we could go out [of the bathing area]. It happened about two to three times during the training.”<sup>59</sup>*

“Piya” told Amnesty International:

*“Before going to the shower area, they ordered us to masturbate. When we finished we’d be allowed to go into the shower. You had to come into the bucket and show it to the senior before you were allowed to go in. We had to do it because we were ordered to. If we didn’t that would be a*

<sup>55</sup> In addition, one of the five former recruits who were trained during earlier cycles told Amnesty International about the practice.

<sup>56</sup> See Taweesak Kerdpoka, ‘คุยกับ 4 ทหารเกณฑ์เมื่อน้ำที่หลั่งรั่วของชาติคือการตัดหญ้า’ [“A Talk with 4 Conscripts: Their Task is to Mow Grass”], *Prachatai*, 24 August 2015, <https://prachatai.com/journal/2015/08/61005>.

<sup>57</sup> Amnesty International interview, October 2019.

<sup>58</sup> Amnesty International interview, September 2019.

<sup>59</sup> Amnesty International interview, September 2019.

breach of orders and we might face even worse treatment. We were just clowns to them, something to laugh at.

“At first, I was shocked, I couldn’t believe it. But I just had to get on with it. Every week we had to do it though, so it didn’t become better but it somehow became normalised.

“Sometimes they’d divide us into groups, each had to nominate one person and he had to masturbate in front of everybody. Whoever ejaculated first, their group would be first to go into the shower ... This happened once a week. Mostly it was seniors who ordered us to do this.

“We spoke to each other about this. We said: “why do we have to face this? Why are we here?”<sup>60</sup>

## FORCING CONSCRIPTS TO KISS AND SMELL THEIR COLLEAGUES’ BACKSIDES

Two conscripts, who served in different camps during different periods, told Amnesty International that they were forced to kiss and smell the backsides of other recruits.<sup>61</sup> The experience was deeply humiliating.

“Hem” recalled:

“Sometimes the trainers ordered us to lie on the floor in the bathroom area, in columns behind each other and then to put our faces, kiss and smell the ass of your friend. This also happened three or four times.

“You feel uncomfortable. This is something you shouldn’t do.”<sup>62</sup>

“Rak” provided a similar account:

“Inside the bathing area, but before we washed, they ordered us to lie down behind each other, so your nose would be between the butt-cheeks of the next person. We were all naked. Then the trainer told us to inhale through our noses on his command, and repeated this time and time again — it was entertainment for them. After the second week, this happened several times, during bath time.”<sup>63</sup>



↑ Two conscripts said they were forced to kiss and smell the backsides of their fellow recruits. © Wana Wanlayangkoon

## OTHER FORMS OF SEXUAL ABUSE

Besides the practices described above, Amnesty International received information describing several other forms of sexual abuse. Commanders have, for example, forced conscripts to exercise naked, to roll naked inside and outside the bathing area, and have required two conscripts who had fought to kiss and rub their tongues together.<sup>64</sup>

<sup>60</sup> Amnesty International interview, October 2019.

<sup>61</sup> In addition, this abuse was reported on and photographed in 2016. See “Thai army thugs,” *Amazing Thailand* website, 5 April 2016 [graphic photos], <http://zwav2go.com/thai-army-thugs/>.

<sup>62</sup> Amnesty International interview, September 2019.

<sup>63</sup> Amnesty International interview, October 2019.

<sup>64</sup> Amnesty International interviews, September and October 2019.

# PUNISHMENT THROUGH HARMFUL OR EXCESSIVE PHYSICAL EXERCISES

## WHAT ARE CONSCRIPTS PUNISHED FOR?

“Not a single day passed by without punishment,” “Aof” told Amnesty International.<sup>65</sup> The conscripts who spoke to Amnesty International described being punished for a wide variety of real or perceived misbehaviours.

“Gorn” explained:

*“Every time the trainers have an excuse to punish you: you’re not chanting loud enough, you’re too slow in the shower, you failed to follow orders strictly, you smoked. We were even punished for hugging our partners too closely during visits — only brief hugs were allowed.”<sup>66</sup>*

“Sarote” recalled, similarly: *“The reasons [for punishment] were: not lining up in time, not standing up properly, not being disciplined, not being quiet. In some cases, it was true; in most cases they just made up excuses to punish us.”<sup>67</sup>*

Every one of the conscripts and commanders who spoke to Amnesty International said that punishments frequently and routinely took the form of physical exercises. (These exercises were described by both recent and less recent conscripts.) All but one told Amnesty International that such exercises were often used in ways that caused pain, injuries, and/or fainting.<sup>68</sup> The exercises included push-ups, sit-ups, stand-ups and “jumping jacks,” but the most prevalent form of punishment exercise was the burpee [in Thai: *Pung-lhang*/พุงหลัง], described by “Ben” as follows:

*“A burpee is when you have to go quickly from standing to crouching position with your hands on the ground, then jump backwards straightening your legs to a push-up position, then jump back to crouching position, then jump up straight, then repeat.”<sup>69</sup>*

While burpees can be a fairly innocuous physical exercise for young, healthy people, conscripts told Amnesty International that they could turn into an abusive means of punishment — imposed constantly, excessively and in a way which endangered their health.

“Piya” said that he and his fellow conscripts were forced to do 1,000 burpees at night. “One guy fainted,” he told Amnesty International, “he was taken to the clinic.”<sup>70</sup>

“Ben” confirmed that in the Thai military, “burpees aren’t in the training routines. It’s a form of punishment.” He continued:

*“They punished us with burpees from day one. I would estimate that out of the 70 days of training we had to do burpees for 65 days. We usually got up to 100 burpees each time, but once we were told to do 1,000. After doing around 250 burpees, three conscripts fainted and had to go to hospital, so they stopped. It was a hot and humid day.”<sup>71</sup>*

“Daeng” told Amnesty International about what happened to another conscript whom he described as overweight. He recalled: “A friend of mine who weighs about 85 kilograms was told to do 50 burpees in one

<sup>65</sup> Amnesty International interview, September 2019.

<sup>66</sup> Amnesty International interview, September 2019.

<sup>67</sup> Amnesty International interview, October 2019.

<sup>68</sup> “Fong” told Amnesty International of being subjected to a serious sexual assault (see below), which may have been the reason why he did not describe punishment exercises and their effects in great detail.

<sup>69</sup> Amnesty International interview, September 2019.

<sup>70</sup> Amnesty International interview, October 2019.

<sup>71</sup> Amnesty International interview, September 2019.

minute. When he couldn't do it, the trainer ordered him to try again. He tried several times and then he fainted."<sup>72</sup>

Physical exercises have also been used for punishing conscripts in ways or under circumstances that make them inherently abusive, in that they are likely to cause injury. Such abuse includes burpees. "Lop" told Amnesty International: "During night-time they'd sometimes give us 1,000 rounds of burpees, until the skin peeled off my feet. When they punish you during night-time you don't wear uniforms or boots."<sup>73</sup>

Other forms of punishment are used in blatantly abusive ways. For example, ten conscripts told Amnesty International that they were ordered to do a "head dip" [in Thai: *Pakhua*/ปักหัว] as punishment. This is how "Ben" described a "head dip":

*"[Y]ou had to put your head on the ground, your back and legs at an angle so your body creates a triangular shape with the floor, and your hands are behind your back. You need to stay like that, with your body and legs straight, for various times. Your head is directly on the ground — often on a concrete floor. The longest period we had to do this for was 30 minutes."*<sup>74</sup>



 10 conscripts told Amnesty International that they were ordered to do a "head dip" as punishment. © Wana Wanlayangkoon

While "head dips" were sometimes ordered on grass, they became abusive when conscripts were forced to perform them with their bare heads against the rough and often hot concrete or tarmacked areas outside. Of the 10 conscripts who told Amnesty International were ordered to do "head dips," six recruits who trained in six different camps during five recruitment cycles said they were forced to perform them in this way.<sup>75</sup>

For instance, "Piya" said, "a head dip on the concrete was the worst thing — we'd be ordered to do it for five minutes, sometimes 10, out in the sun, and our heads would hurt badly. Our heads would be bare — it was never done with a helmet on."<sup>76</sup>

<sup>72</sup> Amnesty International interview, September 2019.

<sup>73</sup> Amnesty International interview, October 2019.

<sup>74</sup> Amnesty International interview, September 2019.

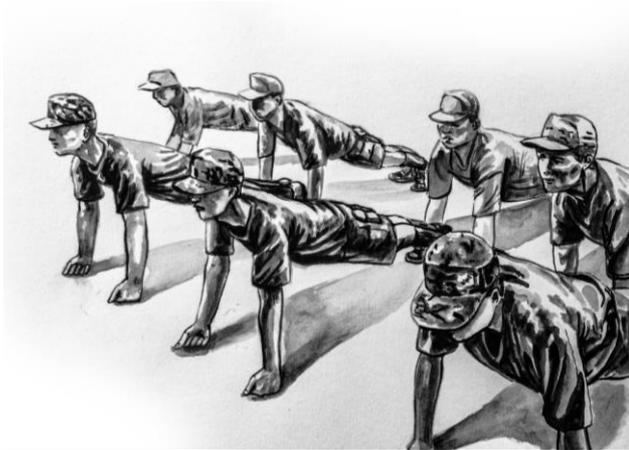
<sup>75</sup> Another conscript told Amnesty International that in his basic training, "they cancelled *pakhua* because a soldier died from it and my time was right after that." Amnesty International interview, October 2019. Amnesty International is not able to confirm this claim.

<sup>76</sup> Amnesty International interview, October 2019.

“Sarote” similarly told Amnesty International that “whenever we had to do it [head dips] on the tarmacked area, a lot of conscripts sustained injuries on their heads, like bruises and blisters.”<sup>77</sup>

Officer “Yut” acknowledged that punishment by “head dips” had harmful effects. He told Amnesty International that he tries to discourage other military officials from using it:

*“[I]n a sense it’s a “good” punishment because it hurts, they will get scared, so they’ll obey you. But it doesn’t work this way. I tell [future commanders]: The cerebrum is the part in the front of the brain responsible for communications, coordination, comprehension — if you cause it damage these skills will be affected. Think about punishing children — you may achieve immediate results but at the cost of creating long-term damage. So, if you use this kind of punishment, are you a good leader?”<sup>78</sup>*



Another form of punishment exercise often used abusively is “iron fist.” “Rak” described the exercise:

*““Iron fists” [are] when you stay in a push-up position, arms bent at an angle, but on your bare fists instead of the palms of your hand. We had to do this everywhere, including on concrete floors. Once they ordered us to do “iron fist” on the hot road, and we all had burns, blisters and grazes.”<sup>79</sup>*



Soldiers perform “iron fist.” © Wana Wanlayangkoon

“Wat” recalled:

*“The hardest thing is the iron fist — we would be told to do iron fist for four-five minutes each time, on the concrete floor. They’d order us to do this for instance when we weren’t orderly in line. In the last few days of the training they escalated — it became harsher and harsher. Once I was doing the iron fist and I couldn’t do it anymore. I told the trainer, so he kicked me in the face, hitting my glasses.”<sup>80</sup>*

Other punishment exercises that conscripts described were often imposed in a prolonged or otherwise exhausting or painful manner. Eleven conscripts described a punishment they called the “frog jump,” that involved jumping from a crouching position, at times with arms over each other’s shoulders or while holding up weights. Six conscripts were punished by being forced to do what they described as “the eel” — crawling on their stomachs on the ground with their hands behind their backs, at times on tarmacked surfaces. They also said that individual commanders sometimes devised their own, custom punishment exercises, such as forcing conscripts to carry a car tyre or a timber log.

These punishment exercises often caused some conscripts to lose consciousness. Ten conscripts told Amnesty International that they had experienced or witnessed other conscripts fainting on multiple occasions as a result of doing excessive punishment exercises. (Nor was this phenomenon limited to one camp: these conscripts trained in nine different camps during five different training cycles.) Only three former conscripts stated positively that during their basic training they did not see anyone faint as a result of these exercises.

<sup>77</sup> Amnesty International interview, October 2019.

<sup>78</sup> Amnesty International interview, October 2019.

<sup>79</sup> Amnesty International interview, October 2019.

<sup>80</sup> Amnesty International interview, October 2019.

According to “Lop,” “three to four people would faint every day. They have a clinic where these people would be sent.”<sup>81</sup> “Gorn” told Amnesty International: “People who usually fainted would be treated, then return, then have to exercise again and faint again.”<sup>82</sup>

Ordering soldiers to perform physical exercises is not inherently abusive; nor does it necessarily constitute a human rights violation. Nevertheless, some military experts are extremely critical of the practice of ordering exercises as punishment. The two retired officers Amnesty International spoke to rejected the use of *any* physical exercises as a way of punishing soldiers in basic training.

Captain (ret.) Steen-Nilsen explained:

*“During basic training there’s a lot of physical training. Most recruits coming from civilian life are not fit for the army, certainly not the fighting units. So basic training includes a lot of physical training, more than many recruits like. But my point of view, and that of the Norwegian army, is that physical punishment is not okay, you don’t order exercises as a punishment.”<sup>83</sup>*

The retired Canadian general emphasised:

*“The physical and/or emotional discipline of recruits during basic training is unacceptable in modern militaries ... by abusing recruits a military force and its leadership are showing recruits that it is acceptable to treat human beings in such a way and that this type of behaviour is condoned.”<sup>84</sup>*

From the point of view of international human rights law, all infliction by officials of physical pain or suffering — whether through injury or exhaustion — as a means of punishing persons under their control violates the absolute prohibition of torture and other ill-treatment.

## HUMILIATION AND OTHER MENTAL ABUSE

Beyond sexual and physical abuse, all of the current and former conscripts interviewed by Amnesty International spoke of being humiliated and degraded, sometimes verbally, sometimes by being forced to perform humiliating acts.

“They cursed everyone,” “Ben” told Amnesty International, but as his experiences indicated, the humiliations went far beyond words.<sup>85</sup> Mealtimes, in particular, were often used by trainers and NCOs as occasions to humiliate recruits. Fifteen recent recruits told Amnesty International that they were humiliated during meals, as did two interviewees who underwent basic training prior to November 2016.

“Vit” explained that when conscripts eat, “[they] need to make very elaborate, sharp moves. No noise at all, no talking, no noise from plates or cutlery. If there’s noise they’d tell you to stop the meal altogether. This happened quite a lot.”<sup>86</sup>

Six conscripts spoke of being forced to eat “like dogs.” “Lop” described what this meant: “put the tray with the food on ground, put our hands behind the back and eat like that [using only our mouths].”<sup>87</sup> Six said they were on several occasions forced to eat eggs in their shells. Four spoke of being ordered to mix their food in one bowl, including dessert, then eat it.

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<sup>81</sup> Amnesty International interview, October 2019.

<sup>82</sup> Amnesty International interview, September 2019.

<sup>83</sup> Amnesty International telephone interview, 21 November 2019.

<sup>84</sup> Email to Amnesty International, 2 November 2019.

<sup>85</sup> Amnesty International interview, September 2019.

<sup>86</sup> Amnesty International interview, October 2019.

<sup>87</sup> Amnesty International interview, October 2019.



Six conscripts spoke of being forced to eat “like dogs.”

© Wana Wanlayangkoon



## HUMILIATING PUNISHMENTS DURING MEALS

“Tor” described a wide range of humiliating punishments for alleged misbehaviour during meals:

*“[I]f we were loud, subsequently we were told to lift the table to chest level for four to five minutes ... Sometimes the tables fell. Once we did that we could continue eating. Or if we dropped a metal dish they’d tell us to stop eating.*

*“If we didn’t stand properly in line for food we’d need to walk back, or crawl, or lie down on the floor. Sometimes we’d need to get the soup, and the rest of the food, then crawl back to our table without spilling anything. Sometimes we were told: “you’ve got five minutes to eat.”*

*“Sometimes we were stopped after two to three bites if we were loud.*

*“Sometimes we were told to use our hands [to eat], sometimes eat on the floor, with hands behind our backs, like dogs. The tables were round, and sometimes we’d be ordered to get down under the table, reach our hands from below to get the food without seeing it ... Sometimes they’d put all our food in one bowl and tell us to eat from it together. “So we would love each other,” they said. I think everyone got the flu this way.”<sup>88</sup>*

Trainer “Zin” did not deny that such abuse occurred, but explained it as follows: “In the canteen, we’d order them to stop eating immediately or do something before eating, it was called ‘sweat for food.’”<sup>89</sup>

<sup>88</sup> Amnesty International interview, October 2019.

<sup>89</sup> Amnesty International interview, November 2019.

Another serious form of humiliating punishment, which also carries clear health hazards, involved forcing conscripts to jump into a septic tank. This is how “Krit” described such an incident:

*“During a training on ringing the bell when there’s an emergency, two guys, one of them a Muslim, didn’t ring it properly. They were punished by having to go into the septic tank. It’s in the ground behind the bathroom area, a square manhole, 1x1 square meter, so the commander opened the lid and made them go in. They had to strip to their underwear before going in, then [after coming out of the tank] had to stand between 30 minutes and one hour until they dried up. The Muslim guy was crying before they jumped in. He said he was worried there may have been pieces of pork inside the tank. But he had to do it.”<sup>90</sup>*



*Another serious form of humiliating punishment involves forcing conscripts to jump into a septic tank.*  
© Wana Wanlayangkoon

“Sarote” described a similar incident during his own training:

*“One day during the second month [of the training], four conscripts hid in the forest to avoid training. They were caught, and ordered to go into the septic tank in their underwear, up to their necks. Then they were sent to [stand under] the sun, then back to the septic tank. Then they were ordered to stand in the yard where everyone could see them. This was repeated three times. Only then were they allowed to wash and change.”<sup>91</sup>*

“Rak” told Amnesty International that he was forced to undergo this experience himself, along with 12 other conscripts, because their laundry baskets were not tidy: *“I was ordered to jump into the septic tank, and dip my head in. This happened to the [12] others as well ... All of us — one by one.”<sup>92</sup>*

Altogether five conscripts who trained in four different camps during four different training cycles spoke of experiencing or seeing others endure this punishment.<sup>93</sup> To these should be added trainer “Zin,” who served in this capacity during the same core period of the research. He confirmed the existence of this punishment to Amnesty International, saying that, *“making trainees jump into the septic tank happened — but only for serious breaches.”<sup>94</sup>*

He added that this punishment was not confined to conscripts, explaining that *“once some of [the trainers] were made to jump into the septic tank in front of the conscripts because they were caught using drugs.”<sup>95</sup>*

Needless to add, punishing commanders in this way is no more, no less of a human rights violation than punishing new conscripts; nor is such punishment justified by any wrongdoing, however serious.

The prohibition of torture and other ill-treatment explicitly covers “mental” pain or suffering and “degrading treatment or punishment.” The acts depicted here are plainly punitive, degrading and cause mental suffering. These acts are therefore in violation of this prohibition, which cannot be justified under any circumstances.

<sup>90</sup> Amnesty International interview, October 2019.

<sup>91</sup> Amnesty International Interview, October 2019.

<sup>92</sup> Amnesty International interview, October 2019.

<sup>93</sup> As did two conscripts from former periods.

<sup>94</sup> Amnesty International interview, October 2019.

<sup>95</sup> Ibid.

## EXPLOITATION, EXTORTION, AND OTHER FORMS OF CORRUPTION

While corruption was not the focus of this report, conscripts uniformly complained to Amnesty International about being exploited and extorted, and facing other forms of corruption. This occurred both during their basic training and after its completion, when they were assigned positions. Since these complaints were numerous, and these forms of corruption violated conscripts' human rights, they will be described here briefly.

- **Exploitation:** conscripts were assigned jobs they found humiliating. Several former conscripts had to, among other things, walk officers' dogs, clean their houses, serve food, take care of elderly relatives and mow lawns, often while being required to follow orders not only issued by officers but also by their family members. "*We're basically slaves,*" concluded "Fong."<sup>96</sup> "Gorn" was ordered to help at an officer's wife's restaurant. Others had to work at a monastery, help an officer write his university papers, and do officers' laundry.
- **Extortion:** conscripts told Amnesty International that they had to pay for a range of essential items that the military was supposed to provide for free. These included uniforms, laundry, badges and even food. Families of commanders owned businesses within the camp and conscripts who, for instance, wanted better food (many complained of poor food) had no choice but to go to their shops. "Wat" said that a trainer in his camp used the fact that conscripts are not allowed to keep mobile phones with them to sell calls, as well as "*very expensive packets of crisps.*"<sup>97</sup> "Jui" told Amnesty International that trainers would sometimes "borrow" money from conscripts and not return it.<sup>98</sup> Conscripts are not allowed to carry cash, so the sums were often taken out of their salaries, resulting in conscripts receiving greatly reduced payments.
- **Preferential treatment through bribery, connections:** several conscripts told Amnesty International that once they had finished their basic training, they stayed at home for the rest of their military service, in return for their salaries going to their units. In addition, some conscripts said that they used family connections with high-ranking military officers to transfer to better units, obtain better treatment or indeed to end their abuse.

These and many other forms of corruption raise clear human rights concerns, violating conscripts' rights to be paid fair wages and to be free from compulsory labour, and contributing to conscripts' feelings of being humiliated and disregarded as humans.

## SINGLING OUT GAY CONSCRIPTS FOR ABUSE

Conscripts who self-identified as gay or were perceived as gay ("gay conscripts" onwards) are often targeted for abuse, including verbal abuse, unwanted fondling, forced massages and forced performances. The abuse that gay conscripts suffer is mostly sexual in nature, evidenced, in its worst forms, by incidents of rape or other sexual attacks (as described above).

Four current and former conscripts interviewed by Amnesty International self-identified as gay — although one of them told Amnesty International that as a conscript he hid his sexual identity. One of those who served prior to November 2016 also self-identified as gay. Non-gay conscripts who spoke to Amnesty International also provided extensive information on the way gay men were treated, as did an academic who had studied the subject.

Military attitudes toward gay conscripts are often deeply discriminatory and reflect absurd stereotypes. For instance, gay conscripts are often exempt from difficult physical training because they are seen as less capable of endurance than their non-gay colleagues. However, these attitudes also take much more sinister and violent forms.

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<sup>96</sup> Amnesty International interview, September 2019.

<sup>97</sup> Amnesty International interview, October 2019.

<sup>98</sup> Amnesty International interview, September 2019.

## TREATMENT OF GAY CONSCRIPTS IN THE THAI MILITARY

Teerawit Sinturos, who studied the treatment of gay conscripts in the Thai military for his master's thesis, confirmed many of Amnesty International's conclusions on the issue.<sup>99</sup> Among his more salient findings:

- Three of the 15 gay conscripts he interviewed for the study reported having been raped by commanders;
- Commanders would often abuse gay conscripts verbally and physically around urinals and baths;
- Massages at night would escalate to demands for sex, namely rape;
- There has been little or no preventive, investigative or punitive action by the military to stop discrimination and sexual abuse of gay conscripts.

Sinturos also told Amnesty International that these abuses often caused depression and suicidal thoughts among conscripts, even after the end of their service.

## VERBAL ABUSE

Ten of the conscripts interviewed, who trained in four cycles in six different provinces, told Amnesty International that commanders verbally abused gay conscripts. Two who trained during earlier periods also reported verbal abuse. Abuse often involved inappropriate language, such as calling a recruit "daughter," or sexual taunting.<sup>100</sup> Such abuse is clearly pervasive, but since verbal abuse of gay conscripts was more often than not part of a larger context of abuse, verbal abuse will be described in that context.

## FORCING GAY CONSCRIPTS TO DANCE AND ENTERTAIN OTHERS

Nine of the conscripts who spoke to Amnesty International described commanders ordering gay conscripts to dance, sing or tell jokes in front of them and/or other conscripts. The existence of this practice was also acknowledged by "Zin," who served as a trainer during that same period.

According to "Daeng":

*"During the rest time after training we, the four gay conscripts, were told by the trainers to dance and provide entertainment to the other conscripts.<sup>101</sup> It happened more than 10 times, especially during the holidays. We were threatened that if we refused, we wouldn't be allowed to take a shower or eat.*

*"They often verbally abused us during these occasions. They'd say: "if you dance well tonight you can sleep with so-and-so." They also ordered conscripts to say to us: "Oh you dance well, you can be my wife tonight." I felt bad, I felt like I was serving in the army because it is my duty but dancing was not part of this duty. I was also angry and questioned why it was us who were forced to do this."<sup>102</sup>*

"Fong" described the dance he and another gay man were forced to perform as "pillar and snake," explaining, "I was called to be a pillar and my friend had to dance around me and seduce me."<sup>103</sup>

<sup>99</sup> Amnesty International interview, September 2019; Teerawit Sinturos, *Situation of Tut and Gay Conscripts in the Thai Military*. The paper is based on extensive interviews with 15 gay conscripts.

<sup>100</sup> For instance "Daeng" and "Sarote," Amnesty International interviews, September and October 2019, respectively.

<sup>101</sup> "Daeng" used the Thai word "Tut," which roughly means a gay man with feminine expression.

<sup>102</sup> Amnesty International interview, September 2019.

<sup>103</sup> Amnesty International interview, September 2019.

“Oak,” who is not gay, told Amnesty International he was alarmed by the practice. “*Gay people were sometimes called to dance and perform in front of everyone in the evening,*” he explained, “*and I felt it was wrong because they were taunted sexually.*”<sup>104</sup>

One of the conscripts, “Itt,” who is not gay himself, told Amnesty International that “*gay conscripts ... were ordered up on the stage to strip naked and dance. This happened maybe four to five times.*”<sup>105</sup>

## FORCING GAY CONSCRIPTS TO MASSAGE COMMANDERS

Five conscripts told Amnesty International that commanders ordered gay conscripts to massage them, as did two conscripts who served during earlier periods. The existence of this practice was also acknowledged by “Zin,” who served as a trainer in recent years.

“Ben,” a gay conscript, told Amnesty International:

*“I was ordered to give a massage to the trainers. Sometimes we had some free time. Or sometimes we were scheduled to train and the trainers didn't want to teach so we had an hour to talk. The trainers just kept talking to conscripts and asked me to massage them.”*<sup>106</sup>

Massages were also ordered at night. “Daeng” described his experience:

*“After training all straight men would go to bed, but we (gay conscripts) would be told by trainers, and sometimes the sergeants, to give them a massage at night. I got called four to five times. If the sergeant was into me he'd call me. I would try to resist each time. They'd try to touch me around my chest and shoulder. They'd harass me, saying things like: “why do you have a chest like a woman — did you have a boob job?” or: “Your skin is so soft like a woman, I want to touch you.” I would try to resist their advances and would be punished. I'd be ordered to do 50 burpees and I learned that our job is not to say no — whatever the orders are we have to follow.”*<sup>107</sup>

Some conscripts, including gay ones, told Amnesty International that massages were not always sexual in nature. However, the way trainer “Zin” justified to Amnesty International the commanders' treatment of gay conscripts and the purportedly “non-sexual” nature of massages speaks volumes:

*“Having gay conscripts is a good thing because this way we have entertainment and they really helped us with administrative jobs. It's better for them to come and be open about their sexuality, because we understand their mentality. Yes, we called them to massage us but it wasn't sexual. We — sergeants and trainers — asked for massages from those who were soft, gentle and feminine.”*<sup>108</sup>

## SEXUAL TOUCHING

Four of the conscripts who spoke to Amnesty International described being sexually touched by commanders or witnessing such touching (this is in addition to the cases of rape or attempted rape as described above). A gay conscript who served during an earlier period described being sexually touched.

“Fong” told Amnesty International of abuse that he endured:

*“When I was in the urinal trainers would show me their penises, and the same during the showers. They'd show their penises and say: “you want that.” They would play with my nipples and touch my butt. They'd sometimes do this during training too. All I could do was laugh. I couldn't say or do anything except accept the situation.”*<sup>109</sup>

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<sup>104</sup> Amnesty International interview, October 2019.

<sup>105</sup> Amnesty International interview, September 2019.

<sup>106</sup> Amnesty International interview, September 2019.

<sup>107</sup> Amnesty International interview, September 2019.

<sup>108</sup> Amnesty International interview, October 2019.

<sup>109</sup> Amnesty International interview, September 2019.

“Un” described trainers forcing gay conscripts to sexually touch others:

*“Seniors would sometimes tell a gay person to harass another: “He’s yours, do what you want.” It was almost like a privilege. “Grab that guy.” The gay [conscript] would then do something quite sexual to the person the senior pointed at.”<sup>110</sup>*

None of these forms of abuse is allowed or justified in any circumstances under international human rights law which Thailand is obliged to respect and apply. They are all deeply discriminatory, in violation of international law, amount at least to cruel, inhuman or degrading treatment or punishment and may, at least cumulatively, constitute torture. It should be remembered that some of those whose cases were described in the previous chapter suffered attempted, simulated and actual rape — clearly a form of torture — only because they were gay.

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<sup>110</sup> Amnesty International interview, October 2019.

# 4. TWO ILLUSTRATIVE TESTIMONIES

The following two individual testimonies provide a detailed glimpse into the treatment of new conscripts in the Thai military. They show how individual trainers and NCOs have used their nearly unfettered powers over conscripts to inflict not only the abuses described in previous chapters, but other cruelties as well.<sup>111</sup>



## THE CASE OF “WAT”

*They didn’t tell us anything about any complaint mechanism.*

*Punishments were mostly burpees, push-ups, frog jumps, eel, head dip, kangaroo,<sup>112</sup> iron fist. Duck — crouch and arms lifted straight backwards. Duck was one of the longest — for a whole hour. No rolling, no jumping jacks. Each punishment was usually for 10 minutes, but sometimes they would order 100s of units which would take longer.*

*Those who couldn’t continue the exercises would be yelled at: “you’re so weak!” Some people sustained injuries from excessive exercises, like broken arms — but no fainting. If someone caught pretending to faint they’d be threatened with extra punishment.*

*They would slap our faces, heads — sometimes with helmets. If someone made a joke that they thought was about them they’d sometime hit him with a helmet.*

*The hardest thing is the iron fist — we would be told to do iron fist for 4-5 minute each time, on the concrete floor. They’d order us to do this for instance when we weren’t orderly in line. In the last few days of the training they escalated — it became harsher and harsher. Once I was doing the iron fist and I couldn’t do it anymore. I told the trainer, so he kicked me in the face, hitting my glasses.*

*Other punishments included forcing us to strip naked during recess, in small groups. I was in a group of about ten. It wasn’t in front of everyone, just a few sergeants and trainers. I don’t remember the “crime.” We were then ordered to exercise while naked.*

*During meals, if there was noise they’d sometimes order us to stop eating right away. People who hadn’t eaten would go hungry. Or they would force us to eat like dogs on the table.*

*I’m gay, but I had to pretend I was straight as I was scared of being bullied. They didn’t do anything to me. But for people they know were gay the commanders would bully them. They were sexually harassed, including name-calling, touching, they were called to give massage to seniors and sergeants. I don’t know what happened during those massage sessions — all I saw was that they would disappear at night. [The*

<sup>111</sup> Please note that both testimonies have been edited and shortened, with ellipses omitted to facilitate smoother reading.

<sup>112</sup> “Weera” (Amnesty International interview, October 2019), who underwent basic training earlier than October 2016, described this punishment exercise as “hands on the floor, lie down, stand up, lie on your back, stand up.”

frequency] escalated as time passed. At the end it was like every night. One guy was called constantly — he claimed to be straight but had endearing mannerisms. He would receive special treatment, for instance he would be massaging [the commanders] while others mowed the lawn, or did the laundry.

The sergeants and trainers also forced people to masturbate. Before we went into the bath area we were told to masturbate. The request was made jokingly: “why don’t you jerk off and show me?” But it was clearly an order. We had to show our hand(s) [with semen] to them so we could have our wash.

We were also ordered to lie down in the bath area. There wasn’t enough space, so everyone had to lie on top of each other. All this felt very uncomfortable but we had no choice but to obey orders.

Some people ordered to jump into a dirty, smelly pond, which used to be a fish pond, I don’t remember why. They were told just to jump in and then get out. It was two or three people, chosen randomly. They first were told to take their socks and boots off. Then they were told to do jump back into the pond — altogether two to three times. They were not allowed to shower at the time, only after a while.

Gay [conscripts] were ordered to entertain other conscripts.

What was unforgivable for me was that everyone was forced to drink a big, 1.5 litre bottle of Coca-Cola before bedtime every night, and we were not allowed to brush our teeth afterwards. I had to go to the dentist [after being released], since I had lots of cavities as a result. They were not health conscious. They said it would help with our energy levels.

If someone looked at the trainers in the wrong way they would be called in front of the line and be kicked repeatedly, but without causing bruises.

One guy exaggerated the effects of the kicking — he collapsed and was taken to hospital but there were no visible injuries, so after that they’d punish him all the time.

Some people reported beatings to the major but he thought it was normal practice — that’s what they told me.<sup>113</sup>



## THE CASE OF “RAK”

When we first came to the camp they didn’t tell us anything officially. They said: “you don’t hear anything, you don’t say anything.” They take your brain out and wash it. A lot of people weren’t ready, didn’t know what to expect, didn’t have any idea about their human rights, so they accepted the abuse. I noticed that those with a [university] degree would be asked: “do you have an issue with this?”

Everything was punishment. There were two types [of punishment]: One to make us tired, the other to hurt us. The first was in the shape of physical exercises, the second was beatings.

Punishment exercises included burpees, head dips, frog jumps and “iron fists” — where you stay in a push-up position, arms bent at an angle on bare fists. We had to do this everywhere, including on concrete floor. Once they ordered us to do this on the hot road, and we all had burns, blisters and grazes.

Sometimes they told us to train while totally naked, especially at night time.

If guys were undisciplined those were the types of punishment used. If guys fought or stole that’s harder punishment.

If we stared at them, or if they envied us for any reason, they would accuse us of incitement. We’d often be divided into four groups. So they’d call an individual, or everyone in one of the groups, to strip naked. If you turned off the light it’s very dark and they used [the darkness] to beat people up. They would kick us, punch us. Their first rule was: not in the face or limbs — only on the torso. They don’t want anything

<sup>113</sup> Amnesty International interview, October 2019.

to be seen ... I personally was beaten in this way, while naked. It happened a lot. The trainers would ask permission from the sergeants before punishing us. I personally was beaten in this way, while naked. It happened a lot. My face looks a bit like I'm looking for trouble, so I'd get beaten several times. I got physical punishment maybe twice every day.

As conscripts, we were only able to respond to superiors in two ways: yes sir, and no sir. Some, especially, academics [graduates], tried to say more. Then the [commanders] would respond: "are you trying to get an explanation?" Then they would slap the person, or force them to do exercises. Most were individually punished, sometimes the whole group.

One day, 13 of us were summoned because our laundry baskets were not tidy. Five to six of those [summoned], including me, were supposedly the inciters. At night, after the shower, they took us to the room to study how to be good soldiers. That night they told everyone that the toilets weren't available. They prepared a bucket in the main building, and said that if anyone needed to go they'd need to piss in the bucket. So when they took us for punishment they turned off the lights. Then they brought the bucket to us. We were all naked. Then they ordered us to drink [the urine] until we were vomiting. If we didn't throw up they probably wouldn't stop us. It was one sergeant and one senior. They were laughing. Afterwards, I could feel the smell of the urine for a long time, each time I went to the toilet I wanted to throw up from the smell.

They also ordered us to hold our hands behind our backs, and try to move using our body, just as we'd wiggle out if we were captured. We had to crawl [on the floor] like that — they didn't care whether it was on grass or concrete.

We were also told to hug each other while naked.

The commanders would kick us. That night we experienced every single violation.

The officer knew what was happening. The sergeants would tell the major that people would be punished but he didn't do anything. I don't know if they told the major what kind of punishments they were planning to impose [on us]. We got no explanation for why they chose any of these punishments.

Inside the bathing area, before we washed, they ordered us to lie down behind each other, so your nose would be between the butt-cheeks of the next person. We were all naked. Then the trainer told us to inhale through our noses on his command, and repeated this time and time again — it was entertainment for them. After the second week, this happened several times, during the bath time.

They also made us do the "train" — to hold each other's penis and walk around the water container. We needed to put our hand under the butt of the person before us to reach his penis. Whenever I could, I just pretended I was holding the guys' penises. It happened maybe three to four times a week. There was a cycle — abusive item of the day. By the end of the training it was every day.

If two conscripts were caught fighting they would be told to kiss each other, stick out their tongues and rub them together. Sometimes when people fought they were told to roll in the bath area together, naked.

When we took lessons at night most of the people would be in the dorm areas, four of us would be assigned to guard the two dorm areas. One time I was guarding with another person, and a senior asked me: "do you like even or odd numbers?" I gave the wrong answer. He ordered me to enter an empty room. Then he asked: "do you like Japanese porn or Western porn?" Then he forced me to masturbate. That was the first time — they did this to us constantly.

Every soldier was given a small box of condoms, to prevent STDs. One night the senior was asking me questions in front of the dorm that I was guarding. Then he took my condoms from me. I was confused — I was picked in the draw [because I] gave the "wrong" answer to his question, but instead of being taken to a room and having to masturbate he just took my condom. But then he took a conscript who was a "katoey" and went inside a room to have sex with the him. I'm not sure where the katoey was called from.

*Some of the conscripts were gay, but there was a power dynamic. Even if the trainer or sergeant asks for sex there's no way to say no to them. Whatever they told us we had to do.*

*Some gay people didn't want to do this kind of thing but they had to do it to receive special treatment, especially those who were in detention.*

*Sometimes we were ordered to eat using our hands if we were loud or something. Sometimes we were ordered to eat just with our mouths, with our hands behind our backs, like dogs. At times [we were ordered to] use the wrong hand.*

*There's a big bowl where the rice is — sometimes we were told to mix all the food and eat together from that bowl.*

*Other times we were ordered to lift the table and hold it up. Sometimes we were told to crawl under the table. This was some kind of military training — to take cover.*

*We were also told to eat eggs with the shells. This punishment was supposed to be abolished but some trainers continued to use it.*

*There's a saying in the military: "once the lights are out nobody knows anything." It's the same once the major's back is turned ...*

*A friend of mine, who is gay, was beaten so hard he passed out. Then a senior, who was drunk, kicked him in the face. He was bleeding from the mouth. Then the sergeant told him to stop. He was also forced to have sex.*

*Once I was ordered to jump into the septic tank, [and] dip my head in. This happened to others as well. That happened on the day the 13 people were called. All of us [were ordered to jump into the septic tank] — one by one.<sup>114</sup>*

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<sup>114</sup> Amnesty International interview, October 2019. At times, while speaking to Amnesty International, "Rak" stopped, stared into space, welled up, found it hard to speak, and took breaks. He was offered the option of ending his testimony but refused.

# 5. INFORMATION, INVESTIGATION AND COMPLAINT MECHANISMS

***“In the Thai military culture – when they see something bad they cover their eyes.”***

Officer “Yut,” speaking to Amnesty International.<sup>115</sup>

The current and former conscripts who spoke to Amnesty International painted a gloomy picture of the mechanisms within the Thai military for preventing, stopping, investigating and punishing abuse of new conscripts. The commanders we interviewed, moreover, said little to alter this picture.

No conscript that Amnesty International spoke to volunteered information on information, investigation and complaint mechanisms. When specifically asked, most of them said that they did not know any, and had not been told of any.

“Sarote” said, for example:

*“I was given no information on any complaints mechanism. I know there is a policy of no corporal punishment but this wasn’t the reality. One sergeant said to us sarcastically: “there’s a rule that commanders are not supposed to punish conscripts physically but if I ignore this rule what are you going to do?””<sup>116</sup>*

“Tor” was the only person to describe anything close to a complaints mechanism, and the procedure he described was informal in the extreme:

*“They have a major at the company and on the first day he told us: “we don’t have a policy of beating soldiers or imposing excessive exercises as punishment, you can tell me if anything goes wrong.” Some conscripts lost their towel, etc., and he would look into it, and investigate. Especially on the first day when we were given all the stuff.*

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<sup>115</sup> Amnesty International interview, October 2019.

<sup>116</sup> Amnesty International interview, October 2019.

*“Some of the trainers said: “if anyone is made to do more than what the orders allow they can write a complaint on a paper without names, put it through the door of the major and he would look into it.” But I don’t know of any such complaints being made.”<sup>117</sup>*

Others similarly described the theoretical existence of a way to complain of abuse, but added that it had no practical value. For instance, “Piya” said:

*“On the first day, the major-colonel, who was commander of the whole training unit, spoke to us. He said that there would be no corporal punishment; he assured us that this was so. I think he said we could talk to him, but because everything has to go through the line of command, we had to go to a major first.”<sup>118</sup>*

When asked by Amnesty International researchers whether this “mechanism” actually worked in practice, “Piya” laughed, then added: “I don’t know of anyone who went to him to complain. No one dared.”

A high-ranking, long-serving Thai officer who spoke to Amnesty International explained:

*“If there’s a problem between a soldier and the company commander, you used to have a gap, or a dead end, because the only way to reach someone higher up was through the company commander himself. That was before. Nowadays, battalion commanders come personally to talk to the soldiers every day, so they can complain to them directly. If trainers are violent despite the orders, they have to be investigated by the commander, and disciplined.”<sup>119</sup>*

But while some conscripts did tell Amnesty International that officers were present, particularly during training, none told our researchers that they or anyone they knew actually complained to these officers, despite the kinds of appalling abuse they endured. Their main reason was fear of reprisal, as described by “Piya,” above. In “Un”’s words: *“Theoretically you could complain but in practice you couldn’t — you were just too afraid of them.”<sup>120</sup>*

The high-ranking officer went on to say that:

*“Many trainers have been investigated, demoted, fired from their positions for mistreating soldiers or other misconduct. Many have also been prosecuted in military courts. The military courts would have statistics on that.”<sup>121</sup>*

However, he did not supply statistics or any other substantiation of this claim. Amnesty International wrote to the Thai authorities, and specifically to the Commander-In-Chief of the Royal Thai Armed Forces, General Pornpipat, to request such information, but to date has received no answer to these questions.

The officer also acknowledged that individual preferences played a large role:

*“The regulations are there ensuring that all soldiers are treated with respect, but trainers individually do sometimes abuse new recruits — it depends on the individual. A principle is a principle, an individual is an individual. You need to differentiate between the principles and policies of the army, which are good, and individual behaviour, which sometimes breaches these principles.”<sup>122</sup>*

“Mai,” the serving NCO, said something very similar to Amnesty International:

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<sup>117</sup> Amnesty International interview, October 2019.

<sup>118</sup> Amnesty International interview, October 2019.

<sup>119</sup> Amnesty International interview, September 2019.

<sup>120</sup> Amnesty International interview, October 2019. See also Amnesty International interviews with “Ben” and “Vit,” September and October 2019, respectively.

<sup>121</sup> Amnesty International interview, September 2019.

<sup>122</sup> Ibid.

*"[I]t will actually depend on the individual, each NCO and each officer how they're going to supervise. I'm confident I'm supervising enough and supervising the trainers closely. I tell them to respect the conscripts as human beings. I can't speak for others, it depends on the individual."<sup>123</sup>*

This theme — that as things stand in the Thai military, whether conscripts will be treated well, abused relatively mildly, or abused appallingly, depends on individual commanders, including low-level ones — was also echoed by conscripts.<sup>124</sup> However, it is entirely unacceptable. Thailand as a state has both a duty of care and a legal obligation to refrain from torturing or otherwise ill-treating those who are under its control. It is also obliged to ensure non-discrimination on the basis of sexual orientation and gender identity. The buck for such responsibility does not stop with the trainer, the sergeant or even higher officers within the training camp — it goes all the way to the heads of the military and the politicians under whom they serve.

Amnesty International wrote to the Thai authorities, and specifically to the Commander-In-Chief of the Royal Thai Armed Forces, General Pornpipat to request such information.<sup>125</sup> In his response, Air Chief Marshal Chalermchai Sri-saiyud, Deputy Chief of Staff, stated that: *"The treatment of conscripts is in accordance with the government regulations, which subject anyone who violates the rights of conscripts to criminal or disciplinary punishment, depending on the nature of the case."*<sup>126</sup> However, he did not provide any information on mechanisms for the investigation of complaints, nor did he provide any statistics on complaints, disciplinary measures, or other punitive measures against trainers and commanders for ill-treating new recruits, as requested by Amnesty International.

Following a mass shooting by a soldier in February 2020, during which dozens were killed and dozens others wounded, General Apirat Kongsompong, Commander-in-Chief of the Royal Thai Army, reportedly promised that a communication channel would be set up to enable soldiers to directly submit complaints of mistreatment to him. At the time of writing, no further details had been provided.<sup>127</sup>

At present, the Thai military does not have a mechanism for new conscripts to complain about abuse by their commanders — certainly not a functioning one. To remedy this gap, an effective, impartial, accessible mechanism will need to be established, one with the authority and the means to guarantee the safety of complainants from intimidation, harassment and retaliation.

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<sup>123</sup> Amnesty International interview, October 2019.

<sup>124</sup> For instance "Nam" (Amnesty International interview, October 2019).

<sup>125</sup> Letter from Amnesty International to Gen. Pornpipat Benyasri, ASA 39/1281/2019, 29 October 2019.

<sup>126</sup> Letter from Air Chief Marshal Chalermchai Sri-saiyud, Deputy Chief of Staff, to Amnesty International, subject: Request for information regarding the treatment of conscripts in the Thai military, 7 January 2020.

<sup>127</sup> Pravit Rojanaphruk, "Army chief vows to hear grievances, refuse to quit over mass shooting," *Khasod English*, 11 February 2020.

# 6. INTERNATIONAL HUMAN RIGHTS LAW

Military discipline and punishments do not inherently violate human rights, but nor does the military framework give commanders a licence to abuse the soldiers under their command. Like other human beings, soldiers — including new conscripts—must be allowed to enjoy their rights in full. In short, the Thai authorities are not freed of their obligation to respect, protect and fulfil the human rights of young men when they dress them in uniform.

The human rights violations documented in this report include violations of the right to adequate food,<sup>128</sup> to enjoy the highest attainable standard of physical and mental health,<sup>129</sup> and to be paid fair wages,<sup>130</sup> as well as the prohibition on being required to perform forced or compulsory labour.<sup>131</sup> However, within the limited scope of this briefing we focus mainly on the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, combined, especially in the case of gay conscripts, with the right to equality and freedom from discrimination.

## TORTURE AND OTHER ILL-TREATMENT: AN ABSOLUTE PROHIBITION

Torture is defined in Article 1(1) of the UN Convention against Torture, a definition that is legally binding on Thailand as a state party. To find an act constitutes torture under the Article 1(1) definition, the act must meet all four of the following requirements, or have all of these elements:

- (1) intention;
- (2) infliction of severe pain or suffering, whether physical or mental;
- (3) purpose such as punishment, coercion, intimidation, obtaining information or a confession, or for reasons based on discrimination; and
- (4) a degree of official involvement.

Thai conscripts are forced to undergo basic training. While in Thailand some “volunteer” for service, in reality this is overwhelmingly chosen as a means of ensuring shorter service within that compulsory framework. Conscripts are almost entirely under the control of their commanders.<sup>132</sup> In the words of

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<sup>128</sup> See, for instance, Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force on 3 January 1976. Thailand has been a state party to this covenant since 1999.

<sup>129</sup> *Ibid.*, Article 12(1).

<sup>130</sup> *Ibid.*, Article 7(a).

<sup>131</sup> Article 8(3)(a) of the International Covenant on Civil and Political Rights (ICCPR), adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976. Thailand has been a state party to the treaty since 1996.

<sup>132</sup> The requirement that a torture victim be “a person in the custody or under the control” of the perpetrator is contained in the provision for torture (as a crime against humanity) in the Rome Statute, Article 7.2.e. While not provided elsewhere, all findings of torture in international law have involved victims who were in the custody or control of perpetrators.

“Daeng,” a gay conscript who was sexually harassed by his commanders, “*I would try to resist their advances and would be punished ... and I learned that our job is not to say no — whatever the orders are we have to follow.*”<sup>133</sup> In short, the ill-treatment described in this report was clearly inflicted by officials on persons under their control, intentionally and for purposes including punishment, coercion and intimidation, and at least in the case of gay men also for reasons based on discrimination.

With three of the four elements of torture constantly present, the question of whether new conscripts in the Thai military have been tortured boils down to whether or not the pain or suffering inflicted on them was “severe.”

Some acts inherently and obviously cause so much pain or suffering that international law considers “severe” pain/suffering to have been inflicted by the very fact that such an act has taken place. For that reason, as already noted, international law holds all cases of rape where there is a degree of official involvement as amounting to torture.

Some of the forms of collective, public sexual abuse inflicted on conscripts may also have caused “severe pain or suffering” even on their own. Conversely, the cumulative effect of several forms or ill-treatment (or the repetition of one) could also result in severe pain or suffering.

Taking these factors into account, Amnesty International is of the view that the punishments and other abuse imposed intentionally and purposefully by commanders on new conscripts in the Thai military can and do often inflict severe pain or suffering on conscripts, in which case such practices constitute torture.

### **EXPERT OPINION ON CONSCRIPTS’ EXPERIENCES**

To assist us in assessing the question of torture, Amnesty International asked Metin Başoğlu, a professor of psychiatry and the director of the Istanbul Center for Behavior Research & Therapy (DABATEM) — an expert with decades of experience in treating torture survivors and conducting research into torture — for his views. After reviewing the descriptions of collective, public sexual abuse set out above, Professor Başoğlu wrote:

*The entirety of the conscripts’ traumatic experiences, ranging from beatings, wanton physical and mental punishments to humiliating forms of sexual abuse and rape clearly constitute torture for the following reasons:*

- a. *It is clear from the conscripts’ accounts that these ill-treatments take place in an oppressive, coercive, and punishing social environment allowing little or no control over the traumatic events. Also clear is the fact that they have experienced intense fear and helplessness. Fear and helplessness arising from lack of control over or inability to avoid ill-treatments while under the control of others is the defining characteristic of torture from a psychological perspective.<sup>134</sup> Research shows that appraisal of threat to physical and/or psychological well-being and severity of associated fear and helplessness responses are the strongest determinants of acute and chronic traumatic stress.<sup>135</sup>*
- b. *The ill-treatments endured by the conscripts are likely to enhance the traumatic impact of each other and have a magnified cumulative impact. Given the nature of ill-treatments reported, their cumulative impact is likely to cross the “severe pain or suffering” threshold.*
- c. *Various forms of sexual abuse are likely to contribute significantly to the cumulative impact of the conscripts’ traumatic experiences ... In a context where actual rape is known to occur, such acts are likely to acquire a more threatening and therefore more traumatic meaning. At the very least, they are likely to go against the conscripts’ social or moral codes and thus lead to intense feelings of shame and humiliation. Shame and humiliation are intensely distressing across cultures (and even species) and research shows that they are as traumatic as physical torture.<sup>136</sup>*

<sup>133</sup> Amnesty International interview, September 2019.

<sup>134</sup> Metin Başoğlu, “A theory- and evidence-based approach to definition of torture” in M. Başoğlu (ed.), *Torture and Its Definition in International Law: An Interdisciplinary Approach* (New York: Oxford University Press, 2017), pp. 3-48.

<sup>135</sup> See, for instance, M. Başoğlu, M. Livanou and C. Crnobaric, “Torture versus other cruel, inhuman and degrading treatment: Is the distinction real or apparent?” 64 *Archives of General Psychiatry* 277 (2007); M. Başoğlu, “A Multivariate contextual analysis of torture and cruel, inhuman, and degrading treatments: Implications for an evidence-based definition of torture,” 79(2) *American Journal of Orthopsychiatry* 135 (2009).

<sup>136</sup> Email to Amnesty International, 29 November 2019. See also Metin Başoğlu, “A Multivariate contextual analysis,” *ibid.*

It should be emphasized that torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) are prohibited absolutely, in all circumstances and without exception. Under the International Covenant on Civil and Political Rights, to which Thailand is a state party, freedom from torture and other ill-treatment must be protected even “in time of emergency which threatens the life of the nation.”<sup>137</sup>

This absolute prohibition is mirrored in the Geneva Conventions, to which Thailand (and all of the world's states) is a party, and which dictate that even during war, the direst of national emergencies, armed forces must never commit torture or other ill-treatment.<sup>138</sup> Torture and other acts of ill-treatment are also war crimes and crimes against humanity under the Rome Statute of the International Criminal Court.<sup>139</sup>

## EQUALITY AND FREEDOM FROM DISCRIMINATION

The first article of the Universal Declaration of Human Rights begins with the statement that “All human beings are born free and equal in dignity and rights.”<sup>140</sup>

Under international human rights law, discrimination — targeting people for worse treatment than others based on aspects of their real or perceived identity such as their race, religion, ethnicity, gender, sexual orientation, gender identity or experience, disability, etc. — is also always unlawful and never justified. Even in times of emergency, when states may take certain measures derogating from some of their human rights obligations, such measures must never be discriminatory.<sup>141</sup>

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<sup>137</sup> ICCPR, Article 4.1.

<sup>138</sup> See, for example, Article 17 of the 1949 Geneva Convention III relative to the Treatment of Prisoners of War; 1949 Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, adopted 12 August 1949, entered into force 21 October 1950, Art 31. See also Articles 5, 27, 32, and 37.

<sup>139</sup> Rome Statute of the International Criminal Court, adopted on 17 July 1998 (A/CONF.183/9), entered into force 1 July 2002 (as subsequently amended), Arts 7(1)(f) (torture) and 7(1)(k) (other inhumane acts—both as crimes against humanity); Art 8(1)(ii) (“Torture or inhuman treatment” as war crimes). For text, see, for example, the Court’s website at <http://www.icc-cpi.int>.

<sup>140</sup> Universal Declaration of Human Rights, UNGA res. 217 A(III), adopted 10 December 1948.

<sup>141</sup> See, for example, ICCPR, ICESCR, Article 4(1).

# 7. CONCLUSIONS AND RECOMMENDATIONS

Amnesty International has found a clear and consistent pattern of abuses against new conscripts in the Thai military, including that:

- Every one of the conscripts we interviewed said that he either experienced or witnessed commanders being violent with conscripts.
- All but one told us they either experienced or witnessed commanders punishing conscripts through harmful or excessive physical exercises.
- All but two told us they either experienced or witnessed commanders committing acts of sexual violence against conscripts.

Commanders, including officers, in the Thai military who were interviewed by Amnesty International researchers acknowledged the practices of violence, including sexual violence, as well as the specific, discriminatory abuse of gay conscripts. The Thai media has already reported on many of the forms of abuse described in this report.

It is past time for the Thai government to acknowledge that serious human rights violations are taking place within its military training camps, and take the necessary steps to end such abuse. This will require improving the training of the commanders who run and operate the camps, creating complaint, monitoring and investigating mechanisms, and ensuring accountability for abuses.

Not least, Thai civilian and military authorities must uproot the pervasive culture of dehumanisation that seems to pervade the military. In its place, they should establish a culture of respecting the dignity and worth of all humans, irrespective of seniority, rank, sexual orientation and gender identity, expression or experience, as well as physical and intellectual capabilities, religion or ethnicity.

## KEY RECOMMENDATION: THE ESTABLISHMENT OF A COMMISSION OF INQUIRY

Amnesty International urges the National Assembly of Thailand to establish a commission of inquiry (COI) to investigate and report on the treatment of conscripts in the Thai military, as well as formulate measures necessary to end all abuse of conscripts.

Establishing a COI would ensure that the Royal Thai Army is not solely responsible for investigating itself, provide better guarantees for an independent, impartial, effective and prompt investigation, and require the involvement of both military and civilian authorities.

As detailed in the appendix below, the COI must be independent, professional and well-resourced. It must have powers to interview whomever it deems necessary — including former and serving conscripts and commanders — and to obtain relevant documents. Both in its methods of work and its findings, reporting

and recommendations, the COI must apply international human rights principles. Its report must be made public and include wide-ranging recommendations for changes in laws, orders, policies, practices, training and more generally the culture of dehumanisation within the Thai military, so as to end the abuse of soldiers once and for all.

## OTHER RECOMMENDATIONS

### IMMEDIATE MEASURES

Amnesty International recommends that the Thai authorities move immediately, pending the interim and final reports of the COI, to take practical measures that would stop or at least minimise abuse of conscripts and that do not require substantive, expensive or infrastructural changes.<sup>142</sup> These include:

- Issue orders prohibiting all forms of abuse of conscripts, and explicitly the types of abuse detailed in this report, and clarifying that anyone disobeying these orders, irrespective of rank, will be brought to justice. Such orders must be read out to all commanders and conscripts, and displayed prominently in all camps, in particular where basic training takes place;
- Prohibit trainers from commanding conscripts, unless they are within sight and earshot of higher-ranking commanders;
- Order that both an officer and an NCO must be present in canteens during all meals;
- Order that conscripts are allowed to wash themselves on their own. If necessary, only an officer accompanied by an NCO may be present at or attend the bathing area whilst conscripts are washing;
- Ensure that canteens, bathing areas and the sleeping quarters of new conscripts are properly monitored at all times, so as to allow prompt investigations if suspicion of abuse arises;
- Revise rules governing the use of mobile phones by new conscripts so as to enable them to contact their families, even for short calls, several times a week and without the presence of commanders;
- Establish means, such as email or on social media platforms, by which families of conscripts undergoing basic training could contact at least one commissioned officer with responsibility over their sons to relay concerns or report abuse.

### TREATY ADOPTION, LEGISLATION, INSTITUTIONS

Amnesty International recommends that the National Assembly:

- Ensure that the provisions of the Prevention and Suppression of Torture and Enforced Disappearance Bill are in full accordance with the UN Convention against Torture and the Convention on Enforced Disappearance, and that the bill is then enacted into law;
- Ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT);
- Establish in law an independent, professional, well-resourced National Preventative Mechanism (NPM) with a mandate that includes conducting regular and unannounced visits to places of detention, in full accordance with the OPCAT;

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<sup>142</sup> Some of these measures were formulated following conversations with Thai officer “Yut,” a Canadian retired three-star general, and Captain (ret.) Aksel Steen-Nilsen, for which we are grateful.

- Ensure that within that law the NPM is authorised to visit and report on camps where soldiers undergo basic training, as well as further training (with due consideration for national security), in the same way that it is authorised to visit places of detention.

## **LONG-TERM MEASURES**

Amnesty International suggests that in addition to the immediate measures listed above, the following recommendations should guide measures taken to prevent the abuse of conscripts, and abuse more generally, in the Royal Thai Armed Forces.

### **DISCIPLINE AND PUNISHMENT**

- Military laws, rules, regulations and practices should be radically revised so as to prohibit all painful and exhausting forms of punishment and replace them with measures such as remedial training;
- The revised laws, rules and regulations must be disseminated throughout the forces to ensure they reach every commander;
- The implementation of such revised laws, rules and regulations must be ensured through training, inspection, investigation and where needed disciplinary or prosecutorial measures.

### **CONSCRIPTS' RIGHTS AND AVENUES OF REDRESS**

- All conscripts must be informed in a clear, accessible manner, in person, online and through hard-copy documents, of their right to complain or report abuse immediately, safely and confidentially, and to have their complaints investigated promptly, impartially and efficiently, and of their right to redress where their complaint is found to be justified;
- All conscripts must be informed in a clear, accessible manner, in person, online and through hard-copy documents, of the ways by which they can make such reports or complaints.

### **TRAINING OF COMMANDERS**

- All officers and NCOs involved in training must first undergo specialised training, including in human rights, non-punitive teaching and training methods, gender and sexuality, and providing basic emergency care;
- Only officers and NCOs who have successfully undergone such specialised training, successfully trained post-basic-training soldiers in at least two cycles, and have been examined rigorously to ensure they have internalised the need to respect and protect the dignity and worth of every conscript, without discrimination, may be allowed to train new recruits;
- In order to become trainers of new recruits, soldiers must undergo a three-month training and have been examined rigorously to ensure they have internalised the need to respect and protect the dignity and worth of every conscript, without discrimination.

### **COMPLAINT MECHANISMS - INTERNAL**

- A specialised unit, such as ombudsperson, must be created within the Armed Forces that is specifically authorised, trained and equipped to deal with conscripts' (or other soldiers') complaints immediately and effectively. The unit must be outside Forces' command structure. All conscripts must be able to report or complain to this unit immediately, confidentially and safely in person, online or over the phone.
- In addition, all conscripts must be able to report or complain immediately, safely and confidentially directly to an officer in their unit assigned to deal with such reports or complaints.

### **COMPLAINT MECHANISMS - EXTERNAL**

- Conscripts and other soldiers must be allowed to complain safely and confidentially to the National Human Rights Commission.

- They should also be able to report crimes to the civilian justice system, and have their complaints effectively investigated.

#### **EQUIPMENT, INFRASTRUCTURE AND ARCHITECTURE**

- To facilitate conscripts' ability to make immediate complaints of abuse, all conscripts should have access to their mobile phones several times a week, and a designated conscript in each company should have a mobile phone with him for this purpose at all times;
- All officers, NCOs and trainers must wear body cameras when they are dealing with conscripts, with the exception of situations where it may violate their right to privacy. Footage from these cameras must be stored safely and where necessary be at the disposal of internal and external complaint mechanisms;<sup>143</sup>
- The military should consult with architects, experts from other armed forces, and other stakeholders (including members of affected communities) with a view to redesigning the bathing areas so as to ensure greater privacy.

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<sup>143</sup> On the advantages and concerns regarding body-worn camera's see Amnesty International Netherlands, *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, August 2015. See also Special Rapporteur on Extrajudicial Executions, UN Doc. A/HRC/29/37, 24 April 2015.

# APPENDIX: A COMMISSION OF INQUIRY

## COMPOSITION

Amnesty International recommends that the COI:

- Be established by the National Assembly and headed by members of the House of Representatives – or, at any rate, be civilian-led and civilian controlled;
- Include professionals with expertise in fields essential for the COI's functioning, including international human rights law, Thai military and civilian law, military training, psychology, questioning of trauma victims, investigation into torture and other ill-treatment, including forensic medicine – with training on the Istanbul Protocol;
- Include representatives of all stakeholders, including the military, civil society, LGBT+ communities, NGOs, current and former conscripts, military trainers and officers, and the National Human Rights Commission of Thailand.

## GUIDING PRINCIPLES

Amnesty International recommends that the COI works in strict adherence to human rights principles as reflected in international treaties which Thailand has ratified, including:

- The dignity and worth of every human being;
- Equality and non-discrimination, including on the basis of sexual orientation and gender identity, experience and expression;
- Freedom from torture and other cruel, inhuman or degrading treatment or punishment.

## MANDATE

Amnesty International recommends that the COI's mandate include:

- Investigating the treatment of conscripts in the Thai military, in particular physical and mental abuse amounting to torture or other ill-treatment discrimination, in particular of gay men, and corruption leading to other human rights violations, as well as cases of death, including suicides and trauma-related killings;
- Recommending to the civilian that specific persons suspected of responsibility for torture or other acts of ill-treatment, in particular those with command responsibility, be prosecuted
- Identifying the core causes of such abuse, discrimination and corruption, including military laws, orders, regulations and practices, training of commanders, power structures and the pervasive culture of dehumanisation;
- Prepare within no longer than three month an interim report including detailed practical measures needed to prevent abuse and discrimination while it is completing its investigations;
- Prepare, present and publish within no longer than a year a final report that will include:
  - A description of its work methods;
  - A detailed analysis of abuse of and discrimination of conscripts in the Thai military, including its manifestations and root causes;
  - Detailed recommendations for measures needed to end abuse, including changes to laws, policies, training methods – both of commanders and conscripts - and other

aspects, including internal and external supervision, equipment, infrastructure, and any other relevant aspect;

- Follow-up with the parliament, government, military and any other institutions to ensure that the recommendations are adopted and implemented.

## **POWERS**

Amnesty International recommends that the COI be granted the power to:

- Work impartially and independently, free from any undue influence or interference, expose and refer for prosecution any such interference, including through electronic surveillance or hacking;
- Interview any person it deems necessary, irrespective of rank or status including the authority to subpoena such a person;
- Obtain any documents it deems necessary for its work, including the authority to subpoena such documents, with due consideration of national security, for instance in redacting the location of a specific military installation;
- Visit camps where training takes place and speak confidentially to conscripts and commanders, with due consideration of national security;
- Take measures to protect those who appear before it (see below).

## **RESOURCES**

Amnesty International recommends that the COI be allocated sufficient funds and other resources and supported by technical teams as it requires to carry out its work.

## **WITNESS PROTECTION**

Amnesty International recommends that measures be taken, by the COI or by other authorities as appropriate, to protect all those appearing before the COI (and where necessary their families and loved ones) from possible retaliation, including by:

- Providing legal guarantees that nothing witnesses say or otherwise communicate to the COI may be used to prosecute them under libel, blasphemy or similar laws, including Articles 112 and 116 of the Criminal Code, and the Computer Crime Act.
- Enabling those wishing to provide testimony to the COI anonymously to do so, and take measures to ensure and protect such anonymity;
- Providing physical protection to any witnesses who might need it;
- Prosecuting anyone threatening, harassing or attacking witnesses, whether before, during or after they provide their testimonies.

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# “WE WERE JUST TOYS TO THEM”:

## PHYSICAL, MENTAL AND SEXUAL ABUSE OF CONSCRIPTS IN THAILAND’S MILITARY

Each year, around a third of Thailand’s young men are made to serve in the armed forces, under the country’s compulsory military service laws. Amnesty International has found that the Thai military routinely subjects these new conscripts to a barrage of physical violence, humiliation and sexual abuse that often amounts to torture.

*“We were just toys to them”* documents a widespread and long-standing pattern of abuse. Conscripts described being made to perform physical exercises far beyond their endurance as a form of punishment, including being forced to stand in positions which often led to fainting or injury. They also described a range of practices designed to humiliate, including being made to jump into septic tanks and forced to eat “like dogs” using only their mouths.

Reports of sexual abuse were rampant, including several incidents of rape. Conscripts who identified as gay, or were perceived as gay, were often targeted for sexual abuse because of their sexual orientation and gender identity or expression.

Amnesty International strongly recommends the National Assembly of Thailand to establish a commission of inquiry (COI) to investigate and report on the treatment of conscripts in the Thai military, as well as propose measures necessary to end all abuse of conscripts and end the culture of dehumanisation of conscripts. The military must take a number of preventive measures to prevent further abuses, including supervision of trainers from higher-ranking commanders and night inspections by officers.