

The Complaint No. 426/2553: Rights and Liberty upon Life and Body, Case of a Student in Prathep Wittaya School, Yala province was shot and severely injured by unidentified gunman;

Mr. Amae Chintra, the father of Girl Ahsan Chintra, and Mr. Ardilan Arleeishor, the President of the Muslim Attorney Center in Yala Province, lodged a Complaint to the National Human Rights Commission of Thailand (NHRCT) with expression that on 30th June 2010, around 10.45 a.m., Girl Ahsan Chintra, a student in Grade 7 of Prathep Wittaya School, Lidol Sub-district, Yala Province, was studying in a classroom and then she was shot by a firearm with bullet on her right shoulder by an unidentified gunman and even unclear trajectory with whereabouts of gunman. Teachers delivered her to the Yala Regional Hospital and a physician providing first treatment said that she was severely injured with inwrought bullet and should not be operated for that time. She was under treatment of a physician for all times. Complainants therefore lodged a Complaint to the NHRCT for taking any actions on human rights protection with aids.

The National Human Rights Commission of Thailand (NHRCT) has acquired and considered the facts gained from examination of relevant laws and opined that ground of the Complaint, a list of authorities provided remedies and aids to Miss Ahsan Chintra (her title is changed due to the period of incident happened in 2010, at that time, she was a Girl) an injured person, including the Ministry of Social Development and Human Security which paid amount of money for consolation and rehabilitation for a severely injured person or person with disabilities in total 200,000 Baht and also cost of living, 1,500 Bath on monthly basis until she would graduate or upon her capacity on earning. In addition, the Center for Operation of Remedy for Affected People from the unrest situation in Yala Province paid amount of remedy in 100,000 baht for her too. And for other needs, Office of the Social Development and Human Security would consider to provide in scope of duties of the Ministry of Social Development and Human Security.

Moreover, the Sub-Committee Implementing Human Rights Strategies in the Deep South Provinces under the NHRCT also invited Director of the Internal Security Operations Command, the 4th Army Area, in behalf of authority with duties to prevent aforementioned incidents to give oral presentation and sharing of his concerns. The Representative of

Director of the Internal Security Operations Command, the 4th Army Area, described that after such incident happened, military units nearby the School with scene of the crime were moved away from the area. The Internal Security Operations Command, the 4th Army Area, Front Office also issued Orders to all military units in the area with prohibition of military exercise or maneuver in all units. If there is necessity for military exercise or maneuver, this shall be done in 2 principal Military Camps, as: the Inkayuth Boriarn Camp and Sirindhorn Camp in Pattani Province. For consideration on remedy and aids for Miss Ahsan Chintra, the Representative of Director of the Internal Security Operations Command, the 4th Army Area accepted that he would propose to Director of the Internal Security Operations Command, the 4th Army Area directly, for consideration and coordination with other relevant agencies again.

Therefore, the NHRCT deems expedient to have policy recommendations to the Ministry of Defense, the Internal Security Operations Command, the Ministry of Social Development and Human Security, the Ministry of Education and the Ministry of Public Health, as follows:

1. The Ministry of Defense shall consider to reiterate and firmly insist its affiliated line agencies to spend more efforts with cautiousness for using of the area meandered exercise of military or maneuver activities. As the real arms would be used with possible effect to people residing nearby, particularly to their life and properties, the Ministry of Defense shall give more precautions with repeated affirmations for all relevant agencies to avoid or refrain circumstances causing damages and harms to the public. The exercise of military or maneuver shall be done within areas with highest safety and locate faraway from communities.
2. The Internal Security Operations Command shall consider an incident occurred in this Case and treat it as significant lesson-learned for considering and seeking ways for protection with solutions under its scope of duties and relevant laws. These ways shall be put in place with standardization to be the Comprehensive Guidelines for Providing Aids and Remedies for Physical and Mental Damages and Harms of Injured Person or His/Her Family.

3. The Ministry of Social Development and Human Security shall provide redresses under its scope of duties, particularly on the home visits or following-up to provide aids for injured person in continuity.
4. The Ministry of Education shall provide helps for injured person, covering costs of education and scholarship for supporting injured person until her graduation with ability for life earning.
5. For the Ministry of Public Health, Department of Mental Health (the Mental Health Center, No.12), although it has visited an injured person and her family in several certain circumstances but this visit shall be consistently conducted with rehabilitation of their mental health and provision of medical treatment that for the time being, they shall be under close monitoring and cure provided by physician and medical service staff.

All this, the NHRCT would like to have more updates on its progress within 60 days counting from the date of receipt of this Report.