

The Complaint No. 84/2556: Asking for Helps with Remedial, Case of a Group of Persons affected from Unrest in the Deep South Provinces (Injured Persons being Government Officials or Heirs of Government Officials);

A group of 30 heirs of police officers being killed under delivery of their duties in the three Deep South Provinces, during 27th July 2004 - 30th September 2009, lodged a Complaint with request for remedies towards cases affected from violence in the Deep South Provinces and the injured persons were government officials or heirs of government officials who received unfair treatment and have been entitled to the Government's welfares rights related to being governments officers and being killed under delivery of their duties in the Deep South Provinces, during 27th July 2004-30th September 2009. They shall be entitled to receive life insurance compensations under Office of the Prime Minister's Regulation on Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces, B.E. 2550 (2007).

The National Human Rights Commission of Thailand (NHRCT) has acquired and considered the facts gained from examination of relevant laws and opined that grounds of a Complaint being considered would be government officials being killed or severely injured with vacating from their offices, during 1st January 2004-30th September 2009. In numbers being compiled and confirmed by the Southern Border Provinces Administration Centre (SBPAC) submitted to the Permanent Secretary of Office of the Prime Minister in a capacity of Chairperson of the Committee Considering Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces under Office of the Prime Minister's Regulation on Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces, B.E. 2550 (2007) and its Additional Amendment (Issue No.2), B.E. 2552 (2009), there are in total 1,114 injured and killed persons which should be grouped as: 1,065 death toll and 49 persons with disabilities. The NHRCT hereby would consider whether they all shall be entitled to receive life insurance compensations under Office of the Prime Minister's Regulation on Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces, B.E. 2550 (2007).

After the discretion upon provisions under Constitution of the Kingdom of Thailand, B.E. 2550 (2007), Article 30 Paragraph One and Article 31 supplementing with facts examined,

it was found that government officials being killed or severely injured with vacation from their offices after 30th September 2009 would be entitled to receive compensation in case of death or disability causing the vacating from offices under the Office of the Prime Minister's Regulation on Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces, B.E. 2550 (2007). But for those being killed before such date, they would not be entitled to compensation upon the discretion on providing of protection for government officials delivering duties under legal provisions. The NHRCT opines that the carrying-on of such duties shall be entitled to rights in accordance with the duties given regardless any timeframe causing deprivation or limit of rights that deems expedient to be given the need to protect the rights or remedies to be retroactive in positive result. The Cabinet has then adopted criteria and means for providing remedies to affected persons proposed by the Committee Providing Remedies to Persons Affected from Unrests in the Deep South. This led to the Committee's Announcement on Criteria and Means for Providing Remedies and Rehabilitations to Injured and Affected Persons from Unrests in the Deep South in the date of 18th July 2012. One of substantive provisions under this Announcement is to backwards adopt and adjust rate of remedial compensation for person affected, for both ordinary persons and government officials from the date of Announcement given in 2012 to start from 1st January 2004.

In reference to the abovementioned Case, for the actions on basis of rights protection, justice and equity with entitlement to remedies given by the Government and of incentives and moral supports for government officials and operators carrying-on duties in the Deep South Provinces and their families including heirs. The NHRCT deems expedient to adopt a Resolution to propose policy recommendations to the Cabinet and Permanent Secretary of the Office of the Prime Minister in a capacity of Chairperson of the Committee Considering Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces considering to take actions as follows:

- 1) The Cabinet and Permanent Secretary of the Office of the Prime Minister, in a capacity of Chairperson of the Committee Considering Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces, shall consider to retrogressively pay life insurance compensations to government

officials delivering duties in the Deep South provinces and were killed or disabled caused vacating from offices during 1st January 2004 to 30th September 2009, covering those in total 1,114 injured and killed persons, referred to numbers being compiled and counted on by the SBPAC. This treatment would be in respect to Principle of Equity guaranteed under the Constitution and in disregard to unfair practices with discrimination, while also in line with aforementioned guidance undertaken by the Committee Providing Remedies to Persons Affected from Unrests in the Deep South. In addition, it is also an incentive and moral support for government officials and operators carrying-on duties in the Deep South Provinces as well as their heirs.

- 2) The Cabinet and Permanent Secretary of the Office of the Prime Minister, in a capacity of Chairperson of the Committee Considering Premium and Righteousness for Officials Carrying-On Duties in the Deep South Provinces, shall consider to regulate Criteria and Means for submitting request or application for the receipt of premium and righteousness for actions taken by relevant government agencies to cover cases of government officers carrying out duties in the Deep South Province being severely injured, regularly injured or other relevant cause with appropriateness. This would help to bring justice, incentives and moral supports to deceased' families and injured persons.
- 3) For the providing with entitlement of all rights mentioned in 1) and 2), all government agencies in charge, or affiliated agencies of those injured or deceased shall make a comprehensive record of government officials eligible to such rights and benefits. With ensuring of their accessibility to their rights without any delay and on automatic entitlement of rights without filing of application requesting for their rights due to the facts and evidences found. These all shall be under relevant laws and regulations.

By the conclusion, Office of the NHRCT is entrusted, by the NHRCT, to follow-up and monitor any actions undertaken corresponding to a Resolution.