

Legal Frameworks and Accountability in Southern Thailand

By Thanapat Chatinakrob

Policy Brief Series No. 172 (2025)

1. A Long-Standing Dilemma

The situation in Thailand's southern border provinces – Pattani, Yala, Narathiwat and parts of Songkhla – presents a complex legal and policy challenge, shaped by decades of unrest and the intersection of domestic and international legal considerations. Since the resurgence of violence in 2004, more than 7,200 individuals have lost their lives and over 13,000 have been injured, with civilians accounting for the majority of casualties.¹ Despite the prolonged nature of the violence, the Thai state has primarily treated the situation as a matter of internal security, relying on emergency laws and special powers, rather than engaging comprehensively with international legal standards related to human rights and accountability.

The Government's response has been grounded in national security legislation, including the Martial Law Act (1914),² the Emergency Decree on Public Administration in Emergency Situations (2005),³ and the Internal Security Act (2008).⁴ These instruments confer extensive powers on security forces and administrative authorities, such as detention without judicial oversight, restrictions on movement, and limited liability for state officials. While these laws are intended to maintain public order, they have raised concerns under both the Thai Constitution and international human rights treaties – particularly regarding the rights to life, liberty, and access to an effective remedy.⁵

Legal scholars and international institutions have examined whether additional international legal regimes, such as international humanitarian law ('IHL'), may be relevant to certain aspects of the situation – particularly in light of the sustained violence and the role of organized non-state actors, such as the Barisan Revolusi Nasional ('BRN'). These discussions often draw upon jurisprudence from international tribunals, including the International Criminal Tribunal for the former Yugoslavia ('ICTY'), which sets out criteria for determining when specific legal obligations may apply.⁶ However, no consensus has emerged, and the Thai Government has not adopted any formal position recognizing such legal classifications.

The coexistence of national laws that authorize extraordinary security measures and Thailand's international obligations under treaties such as the International Covenant on Civil and Political Rights ('ICCPR') and the Con-

vention against Torture ('CAT') has created a fragmented legal landscape. Practices such as preventive detention and immunity provisions may, in practice, pose challenges to compliance with human rights standards. This legal dualism has complicated efforts to ensure accountability and foster trust in state institutions.

This policy brief explores the applicable legal frameworks from both domestic and international perspectives, focusing on their implications for accountability and human rights protection. It analyses the extent and nature of the violence, the responsibilities of relevant actors, and the institutional constraints affecting justice. The central objective is to provide a legal and policy roadmap to help align Thailand's national practices with its international commitments, supporting efforts towards long-term stability, justice, and the rule of law in the affected regions.

2. The Situation in Southern Thailand and Its Legal Classification

2.1. Intensity of Violence

The southern-most provinces of Thailand have experienced persistent violence since 2004. These areas are predominantly inhabited by Malay-Muslims, whose distinct cultural and linguistic heritage has shaped local identity over generations. The most recent wave of violence began with co-ordinated attacks in January 2004, including incidents in Narathiwat and Pattani. The areas have witnessed recurring incidents involving armed attacks, roadside explosives, targeted killings, and property damage. Although the frequency of incidents peaked in the late 2000s and has declined in more recent years, reports suggest that intermittent violent events continue to occur. For example, in 2022, there were multiple armed encounters involving state forces and unidentified armed individuals.⁷ The long duration of such incidents – despite fluctuations in intensity – has raised concerns about public safety and the broader impact on affected communities.

Some attacks have been directed at state personnel or infrastructure, while others have affected civilians from various backgrounds. The protection of civilians and their access to effective remedies remain important concerns regardless of who is responsible for the violence. It is also noteworthy that the Government has revised its security posture over time, including lifting emergency measures in some districts based on improvements in local conditions.⁸

In legal commentary, discussions about the applicability of IHL to internal situations often emphasize that a high threshold of sustained violence must be met.⁹ Such assessments typically consider not only the frequency and scale of attacks, but also the extended deployment of state security forces under special legislation as a contextual indicator. These factors are examined in academic and institutional analyses without implying a formal

¹ Center for Conflict Studies and Cultural Diversity ('CSCD'), "Summary of Incidents in Southern Thailand", 2025 (available on its web site).

² Thailand, Act on Internal Security, 27 February 2008 (<https://www.legal-tools.org/doc/zplev831/>).

³ Thailand, Emergency Decree on Public Administration in Emergency Situations, B.E. 2548, 16 July 2005 (<https://www.legal-tools.org/doc/eybg60gl/>).

⁴ Thailand, Martial Law Order of 1914, B.E. 2457, 27 August 1914 (<https://www.legal-tools.org/doc/yldgxj77/>).

⁵ Pimchanok Palasmith, "Legal Challenges in the Concurrent Application of International Humanitarian Law and Human Rights Law to the Conflict in the Southern Border of Thailand", in *Chulalongkorn University Law Journal*, 2025, vol. 43, no. 1, pp. 36–38.

⁶ ICTY, *Prosecutor v. Duško Tadić*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, IT-94-1-A, paras. 70–71 ('*Tadić*') (<http://www.legal-tools.org/doc/80xlan/>); Rule of Law in Armed Conflicts, "Southern Thailand: A Non-International Armed Conflict between the Thai Military and Armed Groups", 29 November 2018 (available on its web site).

⁷ Zachary Abuza, "In 2023, Expect More Violence in Thailand's Insurgency-Hit Deep South", *BenarNews*, 6 January 2023.

⁸ Royal Thai Government Gazette, "Announcement on Extension and Revision of the State of Emergency in Designated Districts of Narathiwat, Pattani, and Yala Provinces", 20 January 2025, vol. 142, special part 12 (Ngor), pp. 47–48.

⁹ Sascha Helbardt, *Deciphering Southern Thailand's Violence: Organization and Insurgent Practices of BRN-Coordinate*, ISEAS Yusof Ishak Institute, 2015, pp. 27 ff.

legal conclusion.¹⁰

2.2. Organization of the Armed Group

The primary non-state actor associated with armed activities in the region is commonly referred to as the BRN. Elements of the group are believed to operate through a decentralized structure with some capacity for internal co-ordination and strategic planning.¹¹ Reports indicate that the group has engaged in operations over an extended period and has issued public statements in the context of peace dialogues and humanitarian ceasefires, including during the Covid-19 pandemic.¹²

In legal scholarship, the question of whether IHL may be relevant in internal situations often involves an assessment of the level of organization of the non-state armed actors involved. Under international legal standards, this does not require a formal or rigid command hierarchy. Rather, the focus is on whether a group demonstrates the capacity to carry out sustained operations and to implement basic humanitarian obligations – such as distinguishing between civilians and combatants.

However, the internal dynamics of non-state groups are inherently difficult to assess with precision. Fragmentation, localized decision-making and evolving political representation can influence the group's ability to maintain cohesion and to participate effectively in peace initiatives. These internal variations may also present obstacles to consistent conduct and the implementation of international norms across different factions.¹³

2.3. Legal and Policy Considerations

To date, the Thai Government has addressed the situation in the southern border provinces through the framework of domestic public security laws, without adopting any formal classification under IHL. As mentioned above, legal measures employed include the Martial Law Act, the Emergency Decree on Public Administration in Emergency Situations, and the Internal Security Act, which grant authorities powers such as warrantless arrest, extended detention, and limited liability for officials acting in the course of duty. Alongside these legal tools, the state has engaged in intermittent peace dialogues and community-based initiatives as part of a broader response.

This approach reflects a legal and policy orientation that prioritizes internal security management rather than the application of frameworks related to armed conflict. As a result, some legal scholars and observers have raised concerns that the absence of explicit engagement with IHL may constrain the development of accountability mechanisms that align with international legal standards. In particular, the relationship between IHL and international human rights law ('IHRL') remains complex – especially, as mentioned, in contexts involving the rights to life, liberty, and access to judicial remedy.¹⁴

Critiques have also focused on whether certain aspects of Thailand's emergency laws are consistent with its international treaty obligations under instruments such as the ICCPR and the CAT. These concerns include issues such as preventive detention, immunity provisions and limitations on access to legal counsel.

The way in which a legal framework is structured – whether purely domestic or incorporating international standards – has significant implications for the protection of civilians, the regulation of state conduct, and the availability of redress for victims. Regardless of how the legal situation is characterized, the evolving developments in the southern border provinces warrant continued scrutiny and dialogue regarding the consistency, adequacy and implementation of the applicable legal norms.

3. Extent and Patterns of Violence

As previously mentioned, since 2004, violence in Thailand's southern border provinces has resulted in a significant number of casualties, with data indicating more than 7,200 deaths and over 13,000 injuries.¹⁵ These figures include civilians, state officials, educators, religious leaders and others serving various roles in their communities. Although the overall frequency of incidents has declined in recent years, the continuity of violent events underscores the protracted nature of the situation and its ongoing impact on

¹⁰ Palasmith, 2025, pp. 39–41, see *supra* note 5.

¹¹ Helbardt, 2015, see *supra* note 9.

¹² International Crisis Group, "Thailand: The Evolving Conflict in the South", Asia Report No. 241, 11 December 2012, pp. 2–4.

¹³ Don Pathan, "Conflict Management and Resolution in Asia: The Role of Civil Societies in Thailand's Deep South", Occasional Paper No. 18, Asia Foundation, 18 October 2012, pp. 5–6.

¹⁴ Palasmith, 2025, pp. 47–48, 50–51 and 54–55, see *supra* note 5.

¹⁵ CSCD, 2025, see *supra* note 1.

the affected population.¹⁶

A range of methods has been used in the course of these incidents, including small arms, improvised explosive devices ('IEDs'), arson and ambushes in both urban and rural settings.¹⁷ Some attacks have taken place near schools, religious sites and marketplaces, occasionally resulting in unintended harm to civilians. From the perspective of international legal standards, such incidents raise issues under principles such as distinction, proportionality and precaution in the use of force – all of which aim to protect individuals not directly involved in violent acts.¹⁸

Certain professions have been disproportionately affected. For example, teachers and local administrators in remote areas have faced recurring risks, particularly in locations with limited or irregular security presence.¹⁹ While motives may differ across incidents, some observers suggest that attacks may seek to disrupt community functioning, deter co-operation with authorities or respond to local developments.²⁰

On the state side, security operations have involved the deployment of military and police personnel under the above-mentioned national legal frameworks. Such instruments authorize preventive detention, curfews, and legal immunity for officials operating within the scope of their duties, though questions have been raised as to their compatibility with constitutional guarantees and international human rights obligations, especially with regard to the right to due process and protection from arbitrary detention.²¹

IEDs have also remained a particularly prevalent tactic. These devices are often placed along routes used by security forces or in areas of perceived strategic importance. While some deployments may aim to target military personnel, their placement in public areas has, in certain cases, led to civilian casualties. Although the use of such weapons is not *per se* prohibited under international humanitarian standards, their use must comply with norms concerning targeting and civilian protection.²² The unpredictability and concealed nature of such attacks have complicated legal and factual assessments, prompting calls for more robust monitoring and documentation.

Finally, the geographic distribution of incidents has varied over time. Violence does not consistently recur in the same districts, which creates challenges for the design of responsive protection measures and the development of a reliable incident-response system.²³ In addition, practical constraints – including limited forensic infrastructure, insufficient legal aid, and concerns about witness safety – have hampered formal investigations and legal proceedings, making it difficult to ensure accountability in practice.²⁴

4. Main Actors and Legal Responsibilities

The legal responsibilities of actors involved in the situation in southern Thailand should be analysed through both international and domestic legal frameworks. While Thailand's internal legal system governs security operations, criminal responsibility and administrative procedures, IHRL imposes additional obligations related to the protection of fundamental rights. In certain legal commentaries, discussions have also arisen as to whether and how elements of IHL might be relevant, particularly in contexts involving protracted violence and organized non-state actors. This section outlines the key actors and examines the legal duties and limitations that govern their conduct.

4.1. State Authorities

The Thai state holds primary responsibility for upholding the rule of law

¹⁶ Srisompob Jitpiromsri, "The Deep South of Thailand: 15 Years in Fields of Open Conflict, Violence and Peace Narratives", in *Asian International Studies Review*, 2019, vol. 20, no.1, pp. 93–95.

¹⁷ Human Rights Watch, "No One Is Safe: Insurgent Attacks on Civilians in Thailand's Southern Border Provinces", 27 August 2007; International Crisis Group, 2012, p. 5, see *supra* note 12.

¹⁸ Jean-Marie Henckaerts and Louise Doswald-Beck (eds.), *Customary International Humanitarian Law, Volume I: Rules*, International Committee of the Red Cross, Cambridge University Press, 2005, pp. 3–8.

¹⁹ Amnesty International, "Thailand: Torture in the Southern Counter-Insurgency", 2009, p. 13.

²⁰ Pathan, 2012, pp. 5–6, see *supra* note 13.

²¹ Palasmith, 2025, pp. 50–54, see *supra* note 5; International Covenant on Civil and Political Rights, 19 December 1966, Article 9 ('ICCPR') (<https://www.legal-tools.org/doc/2838f3/>).

²² Henckaerts and Doswald-Beck (eds.), 2005, Rule 15, see *supra* note 18.

²³ Deep South Watch, "Deep South Watch Incident Database" (available on its web site).

²⁴ Human Rights Watch, "Thailand: Events of 2023", 16 July 2024 (<https://www.legal-tools.org/doc/u26c91cp/>).

and protecting individual rights under both international and domestic legal obligations. Thailand is a party to several core international treaties, including the ICCPR, the CAT, and the four Geneva Conventions of 1949. These instruments require the state to ensure protection against arbitrary detention, torture, enforced disappearance and extrajudicial execution.²⁵

Within Thailand, security operations in the southern border provinces are co-ordinated by the Internal Security Operations Command and regulated through special legal measures, notably the Emergency Decree on Public Administration in Emergency Situations and the Internal Security Act. These laws empower state authorities to conduct warrantless searches, impose curfews, and carry out preventive detention for up to 30 days.²⁶ While intended to maintain public order and address security threats, their implementation has raised legal concerns – particularly regarding access to legal counsel, independent judicial oversight, and safeguards against ill-treatment or coercion.²⁷

Accountability for official misconduct under these laws remains limited in scope. Section 17 of the Emergency Decree, for example, provides broad immunity from civil and criminal liability for officials acting “in good faith”. This has presented obstacles to pursuing legal redress in cases involving allegations of excessive use of force, unlawful detention or mistreatment. Although some internal disciplinary mechanisms are in place, both civil society groups and international observers have called for greater independence, transparency and external oversight to improve accountability and promote public trust in the justice system.²⁸

4.2. Non-State Armed Group

The principal non-state actor identified in most analyses of the situation is the Barisan Revolusi Nasional. The BRN has reportedly been active in the region for several decades and is widely believed to be responsible for a significant number of co-ordinated attacks since 2004. Although the group operates in a clandestine and decentralized manner, available research suggests that it maintains some form of internal command structure, training mechanisms, and the capability to carry out complex operations.²⁹

In legal commentary, non-state armed groups may be subject to obligations under customary international law, particularly with respect to the protection of civilians and basic humanitarian principles. These include duties to refrain from targeting non-combatants, to treat persons deprived of liberty with dignity, and to avoid acts that would violate established norms of humane treatment. While such standards have been discussed in relation to armed conflicts generally, their application in particular contexts depends on legal classification, which remains subject to differing interpretations.³⁰

The BRN has, on occasion, issued public statements and participated in humanitarian ceasefire initiatives, including during the Covid-19 pandemic. Such activities may indicate some level of engagement with international norms, though the extent and consistency of compliance are difficult to assess due to the group’s decentralized structure and limited transparency.³¹

The issue of legal accountability for non-state actors is complex. As Thailand is not a state party to the Rome Statute, the International Criminal Court does not have automatic jurisdiction over alleged violations committed on its territory. Nonetheless, under customary international law, individuals affiliated with non-state groups may still bear criminal responsibility for certain acts, such as attacks on civilians or protected persons. Domestic legal proceedings remain the primary mechanism for prosecution, though challenges related to due process, evidence gathering and trial security often complicate such efforts.³²

4.3. Other Stakeholders

In addition to the principal state and non-state actors, a range of other stakeholders play a role in shaping the legal and policy environment in the south-

²⁵ ICCPR, Article 9, see *supra* note 21; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, Articles 10–11 (<https://www.legal-tools.org/doc/326294/>).

²⁶ Emergency Decree on Public Administration in Emergency Situations, see *supra* note 3.

²⁷ Palasmith, 2025, pp. 54–57, see *supra* note 5; Amnesty International, 2009, p. 24, see *supra* note 19.

²⁸ Human Rights Watch, 2007, see *supra* note 17.

²⁹ Helbardt, 2015, see *supra* note 9; International Crisis Group, 2012, pp. 20–23, see *supra* note 12.

³⁰ Henckaerts and Doswald-Beck (eds.), 2005, pp. 14–17, see *supra* note 18.

³¹ Geneva Call, “Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict”, 2020, pp. 1–4.

³² Palasmith, 2025, pp. 40–46, see *supra* note 5.

ern border provinces. These include the National Human Rights Commission of Thailand, which has a constitutional mandate to investigate alleged human rights violations, and various civil society organizations engaged in legal aid, documentation and advocacy for transitional justice. Although the Commission’s recommendations are not legally binding, its findings have been referenced in parliamentary debates and have contributed to calls for legal and institutional reform.

International actors have also helped shape evolving legal expectations. For example, Thailand’s participation in the Universal Periodic Review under the United Nations Human Rights Council has led to periodic assessments of its emergency legislation, access to justice and human rights protections in the Deep South. Additionally, regional peace dialogue initiatives – often facilitated by third-party intermediaries – have encouraged the inclusion of humanitarian and legal considerations in discussions among stakeholders, even though accountability has not been the primary focus of such efforts.³³

Efforts by civil society to document incidents, monitor legal developments, and support community-based legal empowerment have complemented official mechanisms. Despite facing challenges such as limited access to certain areas and resource constraints, these organizations contribute to raising awareness of legal standards, enhancing public dialogue and informing policy discourse. Some civil society actors have also engaged with international human rights mechanisms by submitting shadow reports to treaty bodies and supporting capacity-building through legal education and training for local actors.

5. Obstacles to Accountability

Efforts to ensure accountability for serious violations in southern Thailand have encountered a range of structural, legal and practical challenges. These obstacles affect both the investigation and adjudication of violent incidents and the broader ability of victims and affected communities to access remedies. Although Thailand has taken steps to maintain public order and promote dialogue, limitations in the existing legal and institutional frameworks have hindered the development of a comprehensive approach to justice that aligns with both domestic obligations and international legal principles.

5.1. Fragmentation and Classification Challenges

A key legal challenge arises from the absence of formal consensus regarding the international legal characterization of the situation. The Thai state has consistently treated the violence as internal unrest or criminal activity governed through national security legislation. This approach enables the use of special legal powers, but does not engage the full range of international legal frameworks that may otherwise apply in situations involving protracted and organized violence.³⁴ As a result, questions persist about the adequacy of available legal mechanisms for oversight, monitoring and accountability.³⁵

The decentralized nature of non-state armed groups further complicates matters. While the BRN is frequently referenced in reports and analyses, its internal structure, operational hierarchy and channels of representation are not always clearly delineated. This lack of transparency makes it difficult to attribute individual or command responsibility for specific incidents and to assess whether internal disciplinary mechanisms exist or are effective in practice.³⁶

5.2. Immunity and Limitations in Domestic Law

Thailand’s domestic legal framework provides limited options for accountability in cases involving state security personnel. Section 17 of the Emergency Decree grants broad immunity from civil and criminal liability for officials acting “in integrity, impartiality and for reasonable or necessary cause”. Similar protections are found in provisions of the Martial Law Act and the Internal Security Act. While these clauses are intended to ensure operational flexibility for state authorities, they also create significant obstacles for victims seeking legal redress in cases involving allegations of excessive force, arbitrary detention or other misconduct.³⁷

Another challenge lies in the absence of dedicated legislation addressing international crimes such as war crimes, crimes against humanity or enforced disappearance. Although Thailand is a party to key international

³³ International Crisis Group, 2012, p. 10, see *supra* note 12; Pathan, 2012, pp. 8–9, see *supra* note 13.

³⁴ Rule of Law in Armed Conflicts, 2018, see *supra* note 6.

³⁵ Palasmith, 2025, pp. 45–47, see *supra* note 5.

³⁶ International Crisis Group, 2012, pp. 15–18, see *supra* note 12.

³⁷ Palasmith, 2025, pp. 54–57, see *supra* note 5; Amnesty International, 2009, pp. 24–25, see *supra* note 19.

treaties such as the ICCPR and the CAT, their provisions are not fully incorporated into domestic criminal law. Due to its dualist nature, international legal standards can also not be invoked directly in Thai courts without corresponding national implementing legislation. Civil society organizations have called for legal reforms to bridge this gap, particularly in the context of Thailand's reporting obligations under international human rights treaties.³⁸

5.3. Capacity and Resource Constraints

Beyond legal limitations, state institutions also face capacity and resource challenges that hinder effective investigations and prosecutions. In some areas, forensic infrastructure is underdeveloped, and there is a shortage of trained investigators and prosecutors with specialized knowledge of complex or sensitive legal matters – particularly those involving national security or systemic violence. Local courts may encounter difficulties in managing high-profile or politically sensitive cases, including constraints related to docket congestion, procedural delays and public expectations.³⁹

These challenges are compounded by practical barriers such as inadequate witness protection mechanisms and a general reluctance among affected individuals to participate in legal proceedings due to fear of retaliation or distrust in authorities. Such concerns can significantly affect the reliability of investigations and the likelihood of successful prosecutions.

Oversight bodies such as the National Human Rights Commission of Thailand have documented cases and issued policy recommendations, but their mandates remain primarily advisory and lack binding enforcement powers. Similarly, parliamentary oversight of security operations has been limited, with few legislative reviews resulting in substantive changes to the legal framework. Strengthening institutional capacity – through targeted training, improved inter-agency co-ordination and procedural reform – remains a crucial step toward ensuring more effective accountability systems.

5.4. Community Trust and Perceptions

Public confidence in legal institutions plays a critical role in facilitating accountability. In some parts of the southern border provinces, historical grievances and perceptions of unequal treatment have contributed to widespread scepticism regarding the fairness, transparency and responsiveness of state institutions. Community members have raised concerns about obstacles to accessing legal assistance, language barriers in administrative and judicial procedures, and the limited visibility of justice outcomes.⁴⁰

Without public trust, individuals may be reluctant to report violations or participate in accountability mechanisms, including official complaint channels and legal proceedings. In this context, building or restoring trust requires more than legal reform – it demands sustained investment in inclusive and community-sensitive approaches.

Efforts to enhance legal literacy, broaden access to justice, and ensure non-discriminatory treatment across ethnic and linguistic lines are important components of a long-term accountability strategy. Legal empowerment programmes, community dialogue forums and participatory policy-making can help address perceptions of marginalization and promote engagement with the rule of law. These measures should complement formal legal processes and are essential to rebuilding legitimacy and credibility in the eyes of affected populations.

6. Recommendations and the Way Forward

Achieving meaningful accountability in Thailand's southern border provinces requires a multi-dimensional approach that includes legal reform, institutional capacity-building and inclusive engagement with affected com-

³⁸ United Nations Human Rights Council, "Universal Periodic Review – Thailand" (available on its web site).

³⁹ Deep South Watch, see *supra* note 23.

⁴⁰ Duncan McCargo, *Tearing Apart the Land: Islam and Legitimacy in Southern Thailand*, Cornell University Press, 2008, pp. 118–119; Joseph Chinyong Liow and Don Pathan, *Confronting Ghosts: Thailand's Shapeless Southern Insurgency*, Lowy Institute for International Policy, 2010, pp. 69 ff.

munities. While Thailand is party to key international human rights treaties such as the ICCPR and the CAT, limitations in domestic implementation have constrained the enforceability of obligations related to arbitrary detention, torture and enforced disappearance.⁴¹ Strengthening legal frameworks could involve the adoption of specific legislation and a review of existing immunity provisions under the Emergency Decree to enhance judicial oversight and access to remedies.⁴²

Greater clarity on the legal standards applicable to security operations – particularly with respect to the protection of civilians and the conduct of public officials – would assist in guiding state personnel and reducing uncertainty.⁴³ In parallel, oversight bodies such as the National Human Rights Commission of Thailand could be further empowered with investigative and referral authority, thereby improving transparency and public confidence in accountability mechanisms.⁴⁴

On an institutional level, investment in forensic infrastructure and legal training – including in areas such as human rights law and complex case investigation – would help build the technical capacity needed to conduct credible inquiries and support legal proceedings.⁴⁵ These efforts should be accompanied by community-facing measures to improve legal literacy, expand access to legal assistance, and address language or cultural barriers that may hinder access to justice.

Complementary measures could include integrating truth-seeking mechanisms and guarantees of non-repetition into ongoing peace dialogues, while continuing to support civil society organizations in their roles documenting human rights violations and preserving records for future legal or reparative processes.⁴⁶ Above all, efforts must be rooted in the principle of non-discrimination, ensuring that all individuals – regardless of ethnicity, religion or legal status – are afforded equal protection under the law.

Taken together, these measures may help bridge the gap between Thailand's domestic legal system and its international obligations, contributing to a more just, rights-based and sustainable response to the challenges in the southern border provinces.

Dr. Thanapat Chatinakrob is Assistant Professor of International Law at Thammasat University, Thailand. His work focuses on international humanitarian law, human rights law and legal accountability in South-East Asia. He is a longstanding CILRAP-CMN Fellow. While this brief examines criteria for classifying a non-international armed conflict and discusses relevant jurisprudence, the author does not take a definitive position on the legal status of the situation in southern Thailand.

ISBN: 978-82-8348-263-8.

TOAEP-PURL: <https://www.toaep.org/pbs-pdf/172-chatinakrob/>.

LTD-PURL: <https://www.legal-tools.org/doc/hjk0mb6m/>.

Date of Publication: 7 May 2025.

⁴¹ Palasmith, 2025, pp. 57–58, see *supra* note 5.

⁴² Amnesty International, 2009, pp. 24–32, see *supra* note 19.

⁴³ Rule of Law in Armed Conflicts, 2018, see *supra* note 6; Henckaerts and Doswald-Beck (eds.), 2005, pp. 32–34, see *supra* note 18.

⁴⁴ Human Rights Watch, 2007, see *supra* note 17.

⁴⁵ Deep South Watch, see *supra* note 23.

⁴⁶ Geneva Call, 2020, pp. 1–4, see *supra* note 31.



Torkel Opsahl Academic EPublisher (TOAEP)

Via San Gallo 135r, 50129 Florence, Italy

URL: www.toaep.org

TOAEP reserves all rights to this publication in accordance with its copyright and licence policy at <https://toaep.org/copyright/>. Inquiries may be addressed to info@toaep.org. TOAEP's responsible Editor-in-Chief is Morten Bergsmo. You find all published issues in the Policy Brief Series at <https://www.toaep.org/pbs>. TOAEP (with its entire catalogue of publications) is a digital public good, as also certified by the Digital Public Goods Alliance.