

[This document is an attempt at a close translation of a report allegedly leaked from the Department of Special Investigations (DSI) of Thailand regarding investigations into the deaths of six civilians at Wat Pathum Wanaram in Bangkok on 19 May 2010.

This translation aims to be impartial and highly accurate, and not to comment on the content of the report except where necessary to clarify points of translation. Insofar as it is legal and advisable to do so, this translation may be freely published and redistributed. It is hoped that it will facilitate better-informed discussion of the Wat Pathum case, and of all of the deaths resulting from the events of April and May 2010. However, this report should only be taken as one piece of evidence in the overall picture.

The redactions in the document appear to have been made by the Prachatai staff. Black bars have been replaced herein with [NAME REDACTED] or similar. Sequential numbers have been assigned, in the absence of names, to witness testimony summaries for ease of reference. Numbers in square brackets have also been added to break up a lengthy summary paragraph on PAGES 14-15, in order to make it easier to follow. Thai names, by and large, are spelled according to the Royal Thai General System of Transcription, the official system for Romanization of Thai.]

[COVER PAGE]

Department of Special Investigations Investigation Report

Special Case No. 234/2553

Case Bureau: Bureau of Information Technology Investigations, Department of Special Investigations, Ministry of Justice

Day: ____ Month: November Year: 2010

Presented to: Director General, Department of Special Investigations

Case between:

Pol. Lt. Col. [NAME REDACTED] accuser

_____ accused

Charges: Murder with intent

Date and time of incident: 19 May 2010, approximately 18.00 hours.

Location of incident: Wat Pathum Wanaram, Pathum Wan District, Bangkok.

Value of goods involved: --

Injuries: As detailed in wound examination reports and autopsy reports.

Date of complaint or accusation: 20 May 2010

Date accepted by DSI as special case: 16 April 2010

Date assigned DSI special case number: 16 June 2010

Date accused was transferred to DSI authority: --

Date accused was taken into custody or jailed, and released or temporarily released: --

[Translator's note: From the disjointed way that PAGE 2 starts, it appears that PAGE 1 is missing, and that the previous page is actually a cover page.]

...contacted the relatives of the dead to notify them to come and reclaim the remains. Initial opinion of doctors is that all six of the deceased were killed by high-velocity bullets, having found bullet fragments in five bodies, and one body with no fragments. The complainant sent these bullet fragments to be examined at the Central Crime Lab. The six deceased are:

1. Mr. Rop Suksathit, 66, of 319/5, Moo 2, Thung Song Hong, Laksi, Bangkok
2. Mr. Atthachai Chumchan, 28, of 151/3, Tha Mai, Tha Mai, Chanthaburi
3. Ms. Kamonkate Akkhahat, 25, of 145/226, Moo 3, Khlong Nun, Lat Krabang, Bangkok
4. Mr. Mongkhon Khemthong, 37, of 3/10 Wat Pathum Wanaram Lane, Pathum Wan, Bangkok
5. Mr. Suwan Siraksi, 31, of 38/1, Moo 3, Nong Na Kham, Mueang, Udon Thani
6. Mr. Akkharadet Khankaew, 22, of 91, Moo 1, Nong Phueng, Khao Wong, Kalasin

Witness interviews: 41 witnesses

WITNESS 1: [NAME REDACTED] testified that he is third son of Mr. Rop Suksathit, deceased. He was aware that Mr. Rop had participated in the UDD rallies starting on 10 April 2010, but Mr. Rop participated in the rallies only occasionally. After the events of 19 May 2010 witness received no contact from his father, so he checked various media reports and discovered that skin markings of one of the victims resembled those of his father. On 29 May 2010 he came to examine the skin markings of the deceased at the Police Hospital Forensics Institute, along with relatives, and confirmed that the victim identified in the media as Wichai Manphae had skin markings matching those of Mr. Rop, witness' father.

WITNESS 2: [NAME REDACTED] testified that he is the second son of Mr. Rop Suksathit, deceased, and gave testimony identical to Mr. Surasak Suksathit in all important respects.

WITNESS 3: [NAME REDACTED] testified that she is the older sister of Mr. Atthachai Chumchan, deceased. She was notified by Mr. Atthachai via telephone on 19 May 2010 at approximately 16.00 that Mr. Atthachai was inside Wat Pathum Wanaram. The witness was not aware whether Mr. Atthachai was a UDD protester or not. At approximately 19.00 on 19 May 2010 a good citizen, who was one of the persons inside Wat Pathum Wanaram, used the telephone of Mr. Atthachai to notify witness that Mr. Atthachai had been shot in the chest in the area in front of Wat Pathum Wanaram at approximately 18.00, and subsequently died.

WITNESS 4: [NAME REDACTED] testified that she is the mother of Ms. Kamonkate Akkhahat, deceased. Ms. Kamonkate was not a UDD protester. Each day in the evening Ms. Kamonkate volunteered her time providing medical aid to those injured in the UDD rallies. On 19 May 2010 at approximately 18.00 witness telephoned Ms. Kamonkate because she learned from the media that a curfew had been announced. While on the telephone to Ms. Kamonkate, witness heard intermittent loud sounds, like gunfire, and Ms. Kamonkate told witness that someone had been shot and hung up the phone. At approximately 21.00 a good citizen, who was one of the persons inside Wat Pathum Wanaram, used the telephone of Ms. Kamonkate to call and notify witness that Ms. Kamonkate had been shot and killed. On 20 May 2010 at approximately 11.30 witness came to identify the body at Police Hospital and confirmed that the deceased was in fact Ms. Kamonkate.

WITNESS 5: [NAME REDACTED] testified that he is the father of Mr. Suwan Siraksa, deceased. The witness learned afterwards from a neighbor that Mr. Suwan had participated in the UDD rally at Ratchaprasong intersection. At

approximately 10.00 on 20 May 2010 a friend of Mr. Suwan telephoned witness to notify him that Mr. Suwan had died inside Wat Pathum Wanaram on 19 May 2010 at approximately 19.00. Witness came to identify the body at Police Hospital and confirmed that the deceased was in fact Mr. Suwan.

WITNESS 6: [NAME REDACTED] testified that he is the uncle of Mr. Akkharadet Khankaew, deceased. In March, Mr. Akkharadet had traveled to find work in Bangkok, and resided at Wat Pathum Wanaram. Witness knew that Mr. Akkharadet was not a UDD protester, but was a volunteer medic, providing medical aid for those injured in the UDD rallies, and regularly accompanied the monks in their morning alms walk in the area of the protests. On 20 May 2010 at approximately 12.00 witness learned from media reports that six persons had died inside Wat Pathum Wanaram, and one of those had skin markings similar to Mr. Akkharadet. Witness came to identify the body at Police Hospital and confirmed that the deceased was in fact Mr. Akkharadet.

WITNESS 7: [NAME REDACTED] testified that he was a UDD protester. On 19 May 2010 at approximately 16.30 witness, along with Mrs. Somsri Jaiyen, his wife, Ms. Benjaporn Jaiyen, his daughter, and Narirat Jaiyen, his niece, drove pickup truck license BN 3862 Roi-Et, belonging to witness, and parked inside Wat Pathum Wanaram. The rear of the vehicle was approximately 1 meter from the outside wall of the temple. They exited the vehicle and waited beside it. At approximately 17.00 witness heard gunfire and loud sounds like explosives from the direction of Siam Paragon shopping mall, which became closer and closer. Witness turned to face the rear of his vehicle and looked at the BTS track. He saw a man dressed like a soldier aiming a gun at him. Witness confirms that the man in camouflage on the BTS track fired at him 4-5 times. Witness was shot in the buttock. Witness hid until approximately 18.00, when a monk came and helped him to the first aid tent, approximately 100 meters away.

WITNESS 8: [NAME REDACTED] testified that he is a volunteer medic with Ruam Duay Chuay Kan radio centre. On 19 May 2010 at approximately 17.30 witness was inside Wat Pathum Wanaram. Witness was providing medical aid for persons who had fainted. At approximately 18.00 he was notified that Ms. Kamonkate Akkhahat had been shot and killed. Witness then ran toward the first aid tent. He stopped in front of the ordination hall, approximately 50 meters from the first aid tent, and witnessed Mr. Akkharadet Khankaew get shot inside the first aid tent. Witness was unable to go to assist him because he could see soldiers firing periodically from the BTS track. The place where witness was standing is approximately 50 meters from the BTS track. At 19.00 witness and a group of protesters slowly crawled toward Mr. Akkharadet and brought him to the central area of the temple compound. Mr. Akkharadet subsequently died.

WITNESS 9: [NAME REDACTED] testified that he is a volunteer with Siam Ruamjai Pu-In Volunteer Medic Foundation. On 19 May 2010 at 11.00 witness and his team went inside Wat Pathum Wanaram to make preparations. Around 13.00, after the UDD leadership announced the end to the rally, witness heard the sound of gunfire all around him for 3-4 hours. Between approximately 16.00 - 17.00 witness and his team moved to the inner area of the temple compound, near the garden. Witness observed that injured persons began to be brought to the garden area at around 18.00. The first injured person was an elderly man who had been shot in the leg. From then people continued to be brought to that area, until the last person was brought in around 21.00. Witness confirms that Ms. Kamonkate Akkhahat had already died when she was carried in, and Mr. "Pak" (nickname; real name unknown) was brought in and subsequently died. Protesters

covered the deceased with mats and carried them to the area near the elephant statue. Witness stated that Mr. Wasan Sairasmi coordinated to have medics from the Erawan Centre bring the injured to hospital.

WITNESS 10: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram and works at the Borikan Thawon Phatthana Cooperative office inside Wat Pathum Wanaram. On 19 May 2010, at approximately 17.00, witness heard loud sounds like gunfire and explosives sporadically coming from outside the temple. Witness was frightened and hid inside the Cooperative office and did not come out until 06.30 on 20 May 2010, at which point witness discovered that a large number of UDD protesters were hiding in front of the Phra Rajasraddha Pavilion Hall inside the temple, and that there were six deceased persons. As the incidents in question were transpiring witness had no knowledge of them whatsoever.

WITNESS 11: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram and works as the engineer in charge of the temple's information systems. On 19 May 2010 at approximately 17.00 witness learned from television reports that UDD leadership had announced an end to the rally. UDD protesters began coming to the temple in growing numbers. They crowded into and all around the Phra Rajasraddha Pavilion Hall. Witness heard loud sounds like gunfire and explosives continuously. A cloud of tear gas also drifted into the area of the temple for around 10 minutes. At approximately 24.00 witness returned to his place of residence within the Pavilion Hall and went to sleep. At approximately 07.00 on 20 May 2010 witness discovered that bodies of six deceased persons had been laid in a row in front of Phra Rajasraddha Pavilion Hall, but did not know how they died nor who the deceased were.

WITNESS 12: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram. On 19 May 2010 at approximately 13.00 witness learned from television reports about the crackdown on the rally. At that time UDD protesters began coming into the temple compound in growing numbers. Witness heard loud sounds like gunfire outside the temple periodically. Witness was frightened and hid near the living quarters of Luang Pho Thaworn [assistant abbot of the temple]. At approximately 00.30 on 20 May 2010 witness heard that people had died at the front of the temple, and went to see, discovering that there were six bodies in front of the Pavilion Hall. On the morning of 20 May 2010 at approximately 09.00 witness observed that there were approximately 3000-4000 protesters inside the temple compound.

WITNESS 13: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram and is a student at Wat Pathum Wanaram School in grade Matthayom 3 [= grade 9]. On 19 May 2010 at approximately 12.00 witness awoke to discover a large number of protesters in the temple compound. Prior to this protesters had not come into the temple compound except to use the restroom. At approximately 18.00 witness heard loud sounds like gunfire outside the temple. Witness was frightened and hid inside the Cooperative office. On 20 May 2010, at approximately 06.00, witness discovered that there were 3000 to 4000 UDD protesters [inside the temple compound], and learned that there were six deceased victims. As the incidents in question were transpiring witness had no knowledge of them whatsoever.

WITNESS 14: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram and is a security guard inside the temple. On 19 May 2010 at approximately 17.00, while on duty in the inner area of the temple compound, witness learned that there was likely a crackdown on the rally going on. UDD protesters began coming into the temple compound in growing numbers. Witness heard loud sounds like gunfire outside the temple. He did not know where the sound came from.

Witness was frightened and hid at the back of the compound. On 20 May 2010 at approximately 05.00 the loud sounds from outside the temple had ceased, and witness learned there were six deceased victims. As the incidents in question were transpiring witness had no knowledge of them whatsoever.

WITNESS 15: [NAME REDACTED] testified that he resides at [Wat Pathum Wanaram] and works for the Borikan Thaworn Phatthana Cooperative inside the temple. On 19 May 2010 at approximately 18.00 witness heard loud sounds like explosives outside the temple. Witness was frightened and hid inside the Cooperative office and did not come out again until 20 May 2010 at approximately 06.00, when witness discovered a large number of UDD protesters hiding in front of Phra Rajasraddha Pavilion Hall inside Wat Pathum Wanaram and that there were six deceased victims. As the incidents in question were transpiring witness had no knowledge of them whatsoever.

WITNESS 16: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram and is a security guard inside the temple. He was on duty until 17.00 on 19 May 2010, then returned to his room to rest. He did not come out until 20 May 2010 at approximately 7.00, when witness learned that there were six deceased victims. As the incidents in question were transpiring witness had no knowledge of them whatsoever.

WITNESS 17: [NAME REDACTED] testified that he resides at Wat Pathum Wanaram and looks after Luang Pho Thaworn [assistant abbot of the temple]. On 19 May 2010 at approximately 17.00, while gathering robes and towels at the monks' facilities building inside the temple, witness heard loud sounds like gunfire and explosives continuously and constantly. Witness observed large numbers of protesters coming into the temple compound, and at approximately 20.30 witness returned to his room inside the monks' facilities building and went to sleep until approximately 23.00, when witness awoke due to gunfire and explosive-like sounds becoming louder. Witness ran to Phra Ratchaphiphitthanathon's dwelling chambers and stayed there until 20 May 2010 at approximately 07.00. Witness knew that there were six deceased victims. As the incidents in question were transpiring witness had no knowledge of them whatsoever.

WITNESS 18: Pol. Col. [NAME REDACTED] testified that he is a police officer assigned to Police Hospital as the [POSITION REDACTED], that his duty is to perform autopsies to determine cause of death, and that he performed the autopsies on Mr. Rop Suksathit, Mr. Atthachai Chumchan, Mr. Mongkhon Khemthong and Mr. Akkharadet Khankaew. Witness confirmed that all died from gunshot wounds, as contained in the autopsy reports of the Forensics Institute.

WITNESS 19: Pol. Lt. Col. [NAME REDACTED] testified that he is a police officer assigned to Police Hospital as the [POSITION REDACTED], that his duty is to perform autopsies to determine cause of death, and that he performed the autopsies on Ms. Kamonkate Akkhahat and Mr. Suwan Siraksa on 20 May 2010. Witness confirmed that the cause of death of Ms. Kamonkate Akkhahat was destruction of the brain by a bullet,

and that in all she had 11 wounds caused by five bullets. Witness also confirmed that the cause of death of Mr. Suwan Siraksa was from bullets piercing his lungs and heart, and that in all he had 11 wounds caused by four bullets, and that this was as contained in the autopsy reports of the Forensics Institute. He also confirmed that both died 12-24 hours prior to their autopsies.

WITNESS 20: Pol. Maj. [NAME REDACTED] testified that he is a police officer assigned to the Central Crime Lab as the [POSITION REDACTED], that his duty is to investigate crime scenes, and that the results of his examination are as contained in the crime scene investigation report.

WITNESS 21: [NAME REDACTED] testified that he had been reporting news about the red shirt (UDD) rallies since 16 May 2010. On 19 May 2010 witness went to photograph events transpiring around Ratchaprasong intersection and Wat Pathum Wanaram. Witness heard loud gunfire in intervals from the direction of Siam Paragon on the ground. Witness saw people running toward Wat Pathum Wanaram in a frenzy, and saw one man fall to the ground in front of him, then get up and continue running, and fall down again next to a flyover pillar. Witness helped the man into the temple. Witness photographed the man and presented those photographs to investigators for use in the investigation. Witness later learned that the man had died. Witness heard very loud gunfire from the direction of Siam Paragon only. He did not witness any protesters in the temple shooting back [at authorities], and stated that the protesters had no weapons whatsoever.

WITNESS 22: [NAME REDACTED] testified that he was inside Wat Pathum Wanaram. On 19 May 2010 at approximately 17.40, no later than 18.00, witness saw approximately six men on the lower BTS track dressed in camouflage, wearing camouflage hats, holding rifles. Witness was shot by said men three times: Once in the chest, but it was deflected by a coin, once in the stomach, and once in the upper left leg. The men on the BTS track fired one more shot at witness but did not strike him, though witness did not know whether it struck someone else. Witness then took cover at the back of the temple.

WITNESS 23: [NAME REDACTED] testified that he was inside Wat Pathum Wanaram. On 19 May 2010 at approximately 18.00, while witness was hiding under a vehicle inside Wat Pathum, there was repetitive loud gunfire, and witness was struck once in the back. Witness waved his hand and was struck once more in the hand. Then a voice shouted from the BTS track for witness to come out from under the vehicle. Witness came out from under the vehicle and saw two soldiers with rifles aiming their weapons at him. Witness is able to recall because the soldiers were only 30-50 meters away on the BTS track, dressed in camouflage.

WITNESS 24: [NAME REDACTED] testified that on 19 May 2010 at approximately 18.00, he saw soldiers on the BTS track in front of Wat Pathum Wanaram, and heard numerous shots of gunfire, and someone shouting that a person had been shot. Witness later learned that it was Mr. Atthachai who was shot, and subsequently died. Witness saw soldiers on the BTS track fire at the first aid tent and saw Ms. Kamonkate get shot in the first aid tent along with a male volunteer medic, who later died, and who witness later learned was Mr. Akkharadet Khankaew.

WITNESS 25: [NAME REDACTED] testified that he is a volunteer medic, and he provided first aid to Mr. Atthachai, and saw Mr. Atthachai die. Later, while walking back from the garden area to the first aid tent, witness learned that Ms. Kamonkate, Mr. Akkharadet and Mr. Mongkhon had been shot and killed. Witness also provided aid for Mr. Kittichai, Mr. Buasi and Mr. Andrew, who were shot and injured in Wat Pathum Wanaram.

WITNESS 26: [NAME REDACTED] testified that on 19 May 2010 witness joined the red shirt rally in the Ratchaprasong area. When the [red shirt] leadership announced an end to the rally and told protesters to go home, or if they couldn't to stay at Wat Pathum Wanaram temple, because it was a designated Sanctuary Zone. Witness traveled to Chalerm Phao intersection on his way home, but encountered a group of about 30 soldiers at Chalerm Phao who told witness to go the other way. Witness thus walked back toward Wat Pathum Wanaram. Upon arriving in front of Wat Pathum, and sitting to rest next to a flyover pillar in front of the temple, witness heard numerous shots of gunfire from the direction of Chalerm Phao. Witness saw a man standing in front of Wat Pathum get shot and fall over. Witness and others in front of Wat Pathum helped bring the man who was shot into the temple to receive medical aid. Witness later learned that the man died later. Witness took shelter inside the temple until the next morning. Witness did not see soldiers on the BTS track, because after the man was shot in front of the temple, witness hid at the back of the temple. However, witness heard the constant sound of gunfire.

WITNESS 27: Pol. Sgt. [NAME REDACTED] testified that he is a police officer and was posted at National Police Headquarters from 10-20 May 2010. Relief shifts were unable to come in during this period. Witness went up [on a building] to take photographs of the CentralWorld fire on 19 May 2010 at approximately 17.00. While photographing the fire witness heard gunfire coming from the first level of the BTS track, at approximately 17.30. Witness saw men on the BTS track dressed in camouflage like soldiers, wearing hats like soldiers, and armed with guns. They were aiming their guns at Wat Pathum Wanaram. Witness and his group were able to take both still photographs and video. While photographing they heard the constant sound of gunfire from the area of Rama I Road. Witness took photographs with his digital camera, a Sony Alpha 350, 100-300 mm lens. Witness' camera takes only still photographs. Witness has provided these photographs for use in the investigation.

WITNESS 28: Master Sgt. Third Class [NAME REDACTED] gave testimony identical to that of Pol. Sgt. WITNESS 27] in all important respects. Witness took photographs with his digital camera, a Fuji S100, with 11x zoom. It takes both still photographs and video. A group of journalists and officers were also witness to the events. Witness has provided both the still photographs and video for use in the investigation.

WITNESS 29: Major [NAME REDACTED] testified that he is a member of the 1st Special Forces Battalion, 3rd Special Forces Regiment, Lopburi. Witness was performing his duty leading an operational unit on 19 May 2010. Four operational units were assigned to Pathum Wan district (Pathum Wan Task Force), with responsibility for the BTS track beginning from National Stadium station. Witness was with the unit consisting of Master Sgt. First Class [NAME REDACTED], Sgt. [NAME REDACTED], Sgt. [NAME REDACTED], Sgt. [NAME REDACTED], Sgt. [NAME REDACTED], Sgt. [NAME REDACTED], and Sgt. [NAME REDACTED], along with the other troops. Witness and two units were responsible for the second level of the BTS track (the topmost track). The other two units were responsible for the first level of the BTS track, with the unit led by Master Sgt. First Class [NAME REDACTED] on the Wat Pathum Wanaram side, and the unit led by Lt. [NAME REDACTED] responsible for the Siam Theater side of the track. The 2nd Infantry Battalion, 31st Infantry Regiment, Royal Guard, was responsible for the ground level on Rama I Road at around 18.00 on 19 May 2010. Witness and his troops cleared the areas they were assigned. Witness heard a voice from the ground level asking them to provide protective cover. Witness ordered the unit of Master Sgt. First Class [NAME REDACTED] to provide protective cover for the operations on the ground level as requested. The unit that carried out this order was on the first level of the BTS track, Wat Pathum Wanaram side, and consisted of seven soldiers, with another two soldiers posted at Siam BTS station. Witness was unable to come down from the second level because he was afraid of creating misunderstanding. Witness

stated that his operations unit headed by Master Sgt. First Class [NAME REDACTED] had exchanged fire with armed persons inside Wat Pathum Wanaram and on Rama I Road near the flyover pillar. Witness did not know whether anyone had been injured or killed. Witness knew there was gun battle of any kind on the BTS tracks themselves. The gun battle ensued for approximately 10 minutes. At approximately 18.10 witness ordered the aforementioned operations unit to withdraw to the Siam BTS station. Witness knew the operations unit returned to the Siam BTS station at approximately 19.45 and were at the station until the morning of 20 May 2010. Witness testified that he used an M16A4 rifle, and the Wat Pathum Wanaram operations unit headed by Master Sgt. First Class [NAME REDACTED] used M16A2 rifles. Witness testified that he and his operations unit used 5.56 mm M855 rounds, which are identified by their green tips.

WITNESS 30: Master Sgt. First Class [NAME REDACTED] testified that he is a member of the Army Ranger Battalion, 3rd Special Forces Regiment, and was acting as a secondary commander for the operations unit. On 19 May 2010, at approximately 18.00, witness was responsible for the BTS track, on the Wat Pathum Wanaram side. Witness testified that he saw men in black near a flyover pillar on Rama I Road, and so he fired at the group of men seven times. At approximately 18.10 he saw a man near the monks' residence armed with a weapon and so he fired at the man one time. At approximately 18.20 he was ordered to withdraw from the BTS track. On 20-21 May 2010 he provided protective cover for a bomb squad, and on 22 May 2010 he returned to the Ministry of Energy. Witness testified that he used his service weapon in the performance of his duties, an M16A2 rifle firing 5.56 mm M855 rounds.

WITNESS 31: Sgt. [NAME REDACTED] testified that he is a member of the 1st Special Forces Division. On 19 May 2010 witness was part of the unit of Master Sgt. First Class [NAME REDACTED] on the BTS track providing protective cover for soldiers on the ground, as ordered. Witness used an M16A2 firing 5.56 mm M855 rounds. Witness did not fire his weapon at anyone.

WITNESS 32: Sgt. [NAME REDACTED] testified that he is a member of the Army Ranger Battalion, 3rd Special Forces Regiment. On 19 May 2010 witness was part of the unit of Master Sgt. First Class [NAME REDACTED] on the BTS track providing protective cover for soldiers on the ground, as ordered. Witness used an M16A2 firing 5.56 mm rounds. Witness testified that he fired warning shots into the wall of Wat Pathum Wanaram.

WITNESS 33: Sgt. [NAME REDACTED] testified that he is a member of the Army Ranger Battalion, 3rd Special Forces Regiment. On 19 May 2010 witness was part of the unit of Master Sgt. First Class [NAME REDACTED] on the BTS track providing protective cover for soldiers on the ground, as ordered. Witness used an M16A2 firing 5.56 mm rounds. Witness did not fire his weapon at anyone.

WITNESS 34: Sgt. [NAME REDACTED] testified that he is a member of the Army Ranger Battalion, 3rd Special Forces Regiment. On 19 May 2010 witness was part of the unit of Master Sgt. First Class [NAME REDACTED] on the BTS track providing protective cover for soldiers on the ground, as ordered. Witness used an M16A2 firing 5.56 mm rounds. Witness fired his weapon four warning shots at men in black beneath a pedestrian bridge.

WITNESS 35: Sgt. [NAME REDACTED] testified that he is posted to the Army Ranger Battalion, Lopburi. On 19 May 2010 witness was part of the unit of Master Sgt. First Class [NAME REDACTED] on the BTS track providing protective cover for soldiers on the ground, as ordered.

Witness used an M16 rifle. Witness fired his weapon four times into the air to get people hiding under vehicles to come out, and also yelled at them to come out from under the vehicles.

WITNESS 36: Sgt. [NAME REDACTED] testified that he is a member of the Army Ranger Battalion, Lopburi. On 19 May 2010 witness was part of the unit of Master Sgt. First Class [NAME REDACTED] on the BTS track providing protective cover for soldiers on the ground, as ordered. Witness used an M16A2 firing 5.56 mm rounds. Witness fired his weapon five times to get people hiding under vehicles to come out, yelling at them to come out from under the vehicles and remove their shirts.

WITNESS 37: Sgt. [NAME REDACTED] testified that he traveled to perform his duties in Bangkok in relation to the UDD red shirt rallies. Witness testified that he traveled home before 19 May 2010, leaving his service weapon with Sgt. [NAME REDACTED], because he was suffering from hepatitis. (See weapon disbursement logs, Documentary Evidence item no. 16.)

WITNESS 38: Sgt. [NAME REDACTED] testified that he traveled to perform his duties in Bangkok in relation to the UDD red shirt rallies. Witness testified that he traveled home before 19 May 2010, leaving his service weapon with Sgt. [NAME REDACTED], because his wife had to travel to another province for work. (See weapon disbursement logs, Documentary Evidence item no. 16.)

WITNESS 39: Master Sgt. First Class [NAME REDACTED] testified that he traveled to perform his duties in Bangkok in relation to the UDD red shirt rallies. Witness testified that he traveled home before 19 May 2010, leaving his service weapon with Master Sgt. First Class [NAME REDACTED], due to family problems--his three children's school term started and they had no one to care for them. (See weapon disbursement logs, Documentary Evidence item no. 16.)

WITNESS 40: Sgt. [NAME REDACTED] testified that he traveled to perform his duties in Bangkok in relation to the UDD red shirt rallies. Witness testified that he traveled home before 19 May 2010, leaving his service weapon with Sgt. [NAME REDACTED], because he had to attend an infiltration training course from 17 May 2010 to 4 June 2010. (See weapon disbursement logs, Documentary Evidence item no. 16.)

WITNESS 41: [NAME REDACTED] testified that he is a rice farmer and also works as a hired hand making bamboo rockets during festivals. He can make 200 rockets per day. Witness was hired by [NAME REDACTED], surname unknown, to make bamboo rockets at the rally at Ratchaprasong intersection. Witness rode the train [to Bangkok] with five other men: Mr. Le, [NAME REDACTED], [NAME REDACTED], [NAME REDACTED] and [NAME REDACTED]. [NAME REDACTED] had advised all five men to take the job making bamboo rockets. Upon arriving, [NAME REDACTED] brought witness to make bamboo rockets behind the speaker's stage at Ratchaprasong intersection. On 16 May 2010, witness, Mr. Le, and the other five men fled to go stay at Wat Pathum Wanaram, and could not leave because they feared soldiers would shoot them. On the afternoon of 19 May 2010, Mr. Le and the other men fled out of the temple gate, near the intersection with Henri Dunant Road. Witness saw 5-6 men dressed in black, wearing knit caps and armed with rifles, shoot Mr. Le and the other men and drag away their dead bodies to be burned at a bunker on the road in front of the temple. At approximately 19.00 of the same day, witness fled out the back of the temple, followed a canal waterway to the right, and eventually fell asleep in a wooded area whose location he did not know. When it was light out he continued walking and came across a bridge across the canal. He turned right and continued straight ahead, and discovered Lumpini Park, which he recognized. So he walked to a parked motorcycle and drove it

to the police, who brought witness to Thung Maha Mek Police Station. While making the bamboo rockets an unknown person would come by every day and say if they didn't make the rockets they would be punished. This frightened witness, so he was forced to make the bamboo rockets every day.

Documentary and Physical Evidence

Documentary Evidence

1. Autopsy reports. Document TC.0016(BK.N.6)5(S.23)/1598, dated 24 May 2010. 12 pages.
2. Gunpowder residue analysis report. Document TC.0032.24/1122, dated 4 June 2010. 2 pages. (Report no. 1084 (1054)/53, 2 June 53.)
3. Evidence analysis request. Document TC.0016(BK.6)5(S.23)/1599, dated 24 May 2010. 2 pages. (Effects of the victims.)
4. Evidence analysis report. Document TC.0032.24/1035, dated 27 May 2010. 4 pages. (Effects of the victims.) (Report no. 1020 (1057)/53. 27 May 2010.)
5. Report on examination of victims' bodies inside Wat Pathum Wanaram. Forensics Institute report no. YT.1001/1940, dated 1 June 2010. 43 pages.
6. Gunpowder residue analysis report. Forensics Institute report no. Kh530025, dated 31 May 2010. 2 pages.
7. Genetic material analysis report. Forensics Institute report no. 0727/2553, dated 4 June 2010. 34 pages.
8. DSI document no. YT (KP.18)1800.3/176, dated 31 August 2010. Sending guns and ammunition for analysis. 2 pages.
9. Evidence analysis report. Document TC.0032.24/2210.1, dated 30 September 2010. 4 pages. (Report no. 2219 (1958), dated 28 September 2010.)
10. Crime scene investigation and evidence findings report. Document TC.0016(BK.N.6)5/2289, dated 21 July 2010. Comprising: crime scene investigation report, 6 pages (report no. A.365/53, dated 14 June 2010); crime scene layout, 4 pages; report, Central Crime Lab Biological and DNA Analysis Group, 3 pages (report no. 5302058, dated 3 June 2010); report, Central Crime Lab Biological and DNA Analysis Group, 2 pages (report no. 5302078, dated 3 June 2010); photographs from report A.465/53, 65 photographs (33 pages).
11. Wound examination report for Mr. Kittichai Khaengkhan, Central Hospital, Bangkok. 2 pages.
12. Wound examination reports for Mr. Narongsak Singmae, Mr. Buasi Thumma, Mr. Andrew Buncombe, Ramathibodi Hospital, Bangkok. 6 pages.
13. Genetic material analysis report no. 1152/2553, dated 8 September 2010. Forensics Institute report no. YT.0018/3402, dated 23 September 2010. 33 pages. (Bullets from Rama I Road.)

14. Automated fingerprint and handprint analysis report no. 530334, dated 14 July 2010. Forensics Institute report no. YT.0018/3402, dated 23 September 2010. 3 pages. (Bullets from on Rama I Road.)
15. Special Warfare Command Operations Centre Orders no. 44/2553, dated 8 April 2010. Orders deploying troops in support of peace and order keeping operations of the Centre for Resolution of the Emergency Situation (CRES). 18 pages.
16. Photocopy of weapons and ammunition disbursement logs, Special Warfare Command Operations Centre. 14 pages.
17. Forensics Institute report no. YT 1009/2916, dated 19 August 2010. Comprising: Forensics Institute analysis report no. 997/2553, dated 18 August 2010 (CSI-S-5306-002), 5 pages; accompanying photographs, 32 pages; crime scene layout, 8 pages; analysis report 0779/2553, dated 14 June 2010, 6 pages.
18. Schedule of suspensions of BTS service, BTSC.GAR.36534.B0304.20.09.2010, dated 20 September 2010. 5 pages.
19. List of officers assigned to Wat Pathum Wanaram and vicinity, Metropolitan Police Bureau. Document TC.0015.135/17936, dated 8 October 2010. 3 pages.
20. Request for cooperation in conducting a crime scene investigation and evidence search, DSI document no. YT(SKT)1806/493, dated 17 September 2010. 3 pages.
21. Investigation information report of G4S Security Services (Thailand) Ltd. 1 page.
22. Request to examine list of injured and deceased, from the Director General of the Emergency Medical Institute of Thailand. DSI document no. YT(SKT)1806/470, dated 14 September 2010. Also documents sent in response. 23 pages.
23. Request for information for use in special investigation no. 234/2553, to the Director of CRES. DSI document no. 1800/2884, dated 1 September 2010.
24. Urgent notice to Director of the Forensics Institute to participate in examination of evidence and bullet trajectories. DSI document no. 1806/44, dated 22 July 2010. (BTS track investigation.)
25. Pathum Wan Police Station report no. TC.0015 (BK.N.6)5(S 3)/2648, dated 22 September 2010. Evidence filing for use in an investigation. 2 pages, 1 CD.
26. CRES meeting documents, pages 51-53. 4 pages.
27. 2 CDs received from the witness (policeman) who took photographs of the BTS track.
28. 1 CD received from Mrs. Phayao Akkhahat, mother of Ms. Kamonkate Akkhahat, who died in Wat Pathum Wanaram on 19 May 2010.
29. Photocopy of documents received from the public. 8 pages. (Comprising: Documents from the Research Centre for Peace Building, Mahidol University. ST 0517.41/Special, dated 15 May 2010. Wat Pathum Wanaram orders no. Special/2553, dated 17 May 2010. Document no. KH.0486.1.1/498, dated 11 March 2010, from the 1st Cavalry Battalion, Royal Guard, requesting

use of Wat Pathum Wanaram. Document no. TC.0016(BK.6)5/P.196, dated 7 April 2010, from Pathum Wan Police Station, requesting Wat Pathum Wanaram.)

30. Sunrise and sunset timetable. 1 page.

31. Forensics Institute report no. YT 1009/3697, dated 31 October 2010. Comprising: physical evidence examination report (report no. 1489/2553, dated 14 October 2010 (CSI-S-5305-126), 2 pages; Weapons and Tool Marking Analysis Group report no. P530045, dated 1 October 2010, 3 pages; genetic material analysis report, report no. 1299/2553, dated 11 October 2010, 5 pages. (From the BTS track on 24 September 2010.)

32. Forensics Institute report no. YT 1009/3565, dated 1 October 2010. Comprising: special investigation crime scene analysis report (report no. 1413/2553, dated 1 October 2010 (CSI-S-5305-126), 3 pages; crime scene investigation photographs, 11 pages; crime scene map, 3 pages. (Crime scene investigation of the BTS track on 24 September 2010.)

33. Forensics Institute report no. YT 1009/4003, dated 5 November 2010. Comprising: crime scene investigation report (report no. 838/2553, dated 23 October 2010 (CSI-S-5305-126), 15 pages; crime scene investigation photographs, 102 pages; report maps, 15 pages.

34. Report of investigation looking for a foreign news reporter. 7 pages.

35. Photographs from the interview of witness [NAME REDACTED]. 23 pages, 1 CD.

36. Still photographs from the Australian freelance photographer. 1 CD.

37. Still photographs and video from a Thai photographer. 1 CD.

38. Details regarding the 6 deceased victims, document YT(KP18)0800.3/237, dated 14 October 2010, additional information. 52 pages, 6 CDs.

39. Testimony of [NAME REDACTED], [NAME REDACTED], [NAME REDACTED]. 3 CDs.

40. CD received from [NAME REDACTED] for use in the investigation. 1 CD.

41. Photograph of Mr. Kittichai Khaengkhan [NOT REDACTED]. 1 photograph.

Physical Evidence

1. Two spent shell casings.

2. One unfired bullet.

3. One bottle of Q Water brand drinking water.

4. One bottle of Lipo energy drink.

5. One Leo beer can.

Evidence in the case and opinion of the investigators

The investigative team have completed their investigations in this case. At this point the facts are as follows:

On 19 May 2010, at shortly after 13.00, the UDD leadership announced an end to their rally in the area of Ratchaprasong intersection, and part of the leadership surrendered themselves to authorities. They instructed all protesters to leave the area, and instructed some protesters to take shelter in Wat Pathum Wanaram Ratchaworawihan, which is near Ratchaprasong intersection, across from National Police Headquarters. Wat Pathum Wanaram was declared a Sanctuary Zone. A portion of protesters left the area along the routes established by authorities, and other routes, while another portion took shelter inside Wat Pathum Wanaram. During that time fires were started in many locations in the area of Ratchaprasong intersection, CentralWorld shopping mall, and Siam Theater on Rama I Road. Some protesters gradually gathered to take shelter at Wat Pathum Wanaram, while others stood under various tents along Rama I Road, in front of Wat Pathum Wanaram. At the same time, military personnel from the 1st Infantry Division (2nd Infantry Battalion, 31st Infantry Regiment, Royal Guard) were securing Pathum Wan intersection and Rama I Road in front of Wat Pathum Wanaram. A Special Forces unit were providing protective cover from on the BTS track, starting from National Stadium station down to Siam station. From the testimony of several witnesses, testimony was consistent that beginning sometime shortly after 17.30 the sound of continuous gunfire was heard from the area of the Siam BTS station, which was under the responsibility of soldiers from the 1st Infantry Division. Protesters were struck by gunfire and injured in the area in front of Wat Pathum Wanaram. One witness took photographs and assisted in carrying a person hit by gunfire into the area of Wat Pathum Wanaram, to the front of the first aid tent, which was in front of the temple Cooperative, adjacent to the temple exit. The man, who he later learned was Mr. Atthachai Chumchan, subsequently died. The photograph taken by the witness showed the time as 17.50 on 19 May 2010.

A volunteer nurse in the first aid tent inside the temple, as well as protesters who were arriving at the temple, came to the aid of Mr. Atthachai Chumchan. Mr. Mongkhon Khemthong, a volunteer with Poh Teck Tung [volunteer medic foundation], also came to his aid. According to witness photographs taken starting from when before Mr. Mongkhon was shot, up until when he was shot and killed while providing medical aid to Mr. Atthachai, this was the same time that a witness injured inside Wat Pathum Wanaram saw military personnel dressed in camouflage, wearing camouflage military hats, armed with rifles, shooting their guns into the area of Wat Pathum Wanaram, into the first aid tent. Ms. Kamonkate Akkhahat, who was providing medical aid to the injured inside the first aid tent, was shot and killed in the first aid tent. Mr. Akkharadet Khankaew, another volunteer medic who went to help Ms. Kamonkate in the first aid tent, was shot, and subsequently died, also in the first aid tent. In the case of Ms. Kamonkate Akkhahat and Mr. Akkharadet Khankaew, a witness shot video of the events. Investigators have included these in the investigation.

In the case of Mr. Rop Suksathit and Mr. Suwan Siraksa, also found dead inside Wat Pathum Wanaram, at this point there is no evidence to show in which location they were shot. However, from the doctor's autopsy report, the bullet wound paths were in the direction of top towards bottom in the bodies of both. In addition, bullet fragments found in the bodies of both victims, as contained in the evidence analysis report

of the Central Crime Lab, were found to be from .223 caliber (5.56 mm) rounds, which according to report photographs had green tips. In the body of Mr. Mongkhon Khemthong, who went to the aid of Mr. Atthachai, the bullet wound path was also in the direction of top towards bottom, and the report of the Central Crime Lab found that the rounds were .223 caliber (5.56 mm) with green tips, the same as other two victims.

In the autopsy results of Ms. Kamonkate Akkhahat and Mr. Akkharadet Khankaew, both volunteer medics, although examination found the bullet wound paths to be in the direction of bottom towards top in the bodies of both, the reports of the Central Crime Lab state that the rounds were .223 (5.56 mm) caliber rounds, with photographs of green tips. In the body of Mr. Akkharadet, the medical examiner was unable to confirm the type of the bullets, but there is a video taken by a witness, as well as witness testimony confirming that they saw the victims shot from on the BTS track at approximately 18.00 on 19 May 2010.

In the case of Mr. Atthachai Chumchan, the first person shot in the area in front of Wat Pathum Wanaram, the bullet cannot be found for examination because it exited the body. However, a freelance photographer witness is able to confirm that Mr. Atthachai was injured by a gunshot coming from a level direction, and subsequently died.

[1] From the investigation of the bodies, bullet wound paths, and physical evidence found in the bodies of the six victims;

[2] from the testimony of eyewitnesses, in addition to the freelance photographer's photographs and video taken by a witness;

[3] from the testimony from police officers who were on top of a tall building photographing the fire at CentralWorld, who took photographs and video of persons dressed like soldiers carrying rifles on the Wat Pathum Wanaram side of the BTS track on 19 May 2010, at close to the same time as the victims were shot to death, while the sound of gunfire was heard coming from the direction of those men dressed as soldiers;

[4] from the testimony of a witness who was injured inside Wat Pathum Wanaram, that on 19 May 2010 at approximately 18.00 witness confirms seeing soldiers dressed in camouflage with their rifles raised standing on the Wat Pathum Wanaram side of the BTS track, and seeing them use their service rifles to shoot witness, and shoot and kill victims in Wat Pathum Wanaram, by shooting into the first aid tent inside the temple, injuring witness and killing both a volunteer nurse and a Poh Teck Tung volunteer medic, who were providing medical aid to the injured inside the first aid tent;

[5] in addition to the testimony of the aforementioned witnesses, from testimony given by military personnel (Lopburi Special Forces) assigned to the BTS track at the time of the incidents in question, on 19 May 2010, who testified that they were assigned to provide protective cover for military units on the ground level (2nd Infantry Battalion, 31st Infantry Regiment, Royal Guard), and also testified that on 19 May 2010 military units on the ground level (2nd Infantry Battalion, 31st Infantry Regiment, Royal Guard) had requested that they provide protective cover, and that they did in fact send seven soldiers onto the Wat Pathum Wanaram side of the BTS track at approximately 18.00, and that those soldiers used their service rifles to shoot at men in black standing beside a flyover pillar, and at other armed men in black, that they fired warning shots, and that they shot at an armed person inside Wat Pathum Wanaram; who testified that their firing of their weapons was completely in line with proper protocol for use of force and use of weapons; the military personnel on the BTS track stated that the service weapons they used in this operation were M16A2 rifles, taking .223

caliber (5.56 mm) M855 rounds, with green tips; and that they performed their duty on 19 May 2010 and 20 May 2010, and upon completion returned to their assigned stations;

[6] in addition to the testimony of military personnel who were on the BTS track, the witnesses in Wat Pathum Wanaram, the witness who was injured while hiding inside Wat Pathum Wanaram, the witness who is a foreign freelance photographer, the police officer witnesses who took still photographs and video of events on the BTS track, and other relevant witnesses; from the results of the autopsies of the six deceased victims, the analysis of gunpowder residue on the bodies, and the analysis of bullet fragments found in the victims in order to learn the caliber and type of the bullets which killed them, which demonstrate that all of the six victims were killed by gunshots; in the cases of Mr. Rop, Ms. Kamonkate, Mr. Mongkhon, and Mr. Suwan, examination confirms the bullets were .223 caliber (5.56 mm) rounds; for Mr. Atthachai and Mr. Akkharadet, the bullet type cannot be confirmed, for in the case of Mr. Atthachai the bullet exited his body and cannot be examined, and in the case of Mr. Akkharadet bullet fragments were very too few to be examined;

[7] DSI investigators, who along with crime scene investigators from the Forensics Institute, went to examine the BTS track where the witnesses inside Wat Pathum Wanaram and the witnesses injured both confirm they were shot at from soldiers on the BTS track, and upon inspection of the scene investigators discovered two bullet casings, one unfired bullet, one plastic water bottle, one bottle of Lipovitan [energy drink], and one beer can; examination showed that the bullet casings and the unfired bullet were both .223 caliber (5.56 mm). The bullet had a green tip, the same as the soldiers testified that they used on 19 May 2010.

The results of examination of the six bodies can be summarized as follows:

1. Examination of bullet wound paths shows that Mr. Rop Suksathit (Victim 1), Mr. Mongkhon Khemthong (Victim 4) and Mr. Suwan Siraksa (Victim 5) were struck by bullets moving in a downward direction; Ms. Kamonkate Akkhahat (Victim 3) and Mr. Akkharadet Khankaew were struck by bullets moving in upward direction; and Mr. Atthachai Chumchan (Victim 2) was struck by a bullet moving in a level direction.
2. Autopsies performed on all six victims discovered in the body of Mr. Rop Suksathit (Victim 1) two bullet fragments, one of them green; in Mr. Atthachai Chumchan (Victim 2) no bullet fragments; in Ms. Kamonkate Akkhahat (Victim 3) one bullet fragment (two lead shards); in Mr. Mongkhon Khemthong (Victim 4) two bullet fragments (three lead shards), one of them green; in Mr. Suwan Siraksa (Victim 5) two bullet fragments, one of them green; in Mr. Akkharadet Khankaew (Victim 6) one bullet fragment (two lead shards).
3. Inspection of the BTS track, where witnesses saw soldiers and where soldiers admitted to being while performing their duties on 19 May 2010, found two bullet casings, determined to be 5.56 mm, and one unfired bullet with green tip, also determined to be 5.56 mm.
4. According to their testimony, military personnel were present on the BTS track on 19 May 2010, and both had and discharged service weapons, M16A2 rifles firing 5.56 mm M855 rounds.

From the above evidence, it is believed that in the case of three victims, Mr. Rop Suksathit (Victim 1), Mr. Mongkhon Khemthong (Victim 4) and Mr. Suwan Siraksa (Victim 5), given all of the evidence and circumstances of the case, there are sufficient facts and evidence that it is reasonable to believe that deaths were caused by state officers in the line of duty. It is thus appropriate to send the investigation reports and autopsy records for Mr. Rop Suksathit (CH.16/2553), Mr. Mongkhon Khemthong (CH.19/2553) and Mr. Suwan Siraksa (CH.20/2553) to the relevant agency for further consideration, in compliance with autopsy laws, under Section 150, Clause 3 of the Criminal Code.

This opinion and investigation report are hereby submitted for your consideration.

Signed,
Pol. Lt. Col. Thoranin Khlangthong
Special Case Investigator, Special Expertise (8)

Signed,
Ms. Naphatsanan Watthanathatchaphong
Special Case Officer, Special Expertise (8)

Opinion on the case:

To: The Office of Deputy Directory General 1 (Head of the Investigative Team)

From all the evidence and circumstances of this case, there are sufficient facts and evidence that it is reasonable to believe the deaths of Mr. Mongkhon Khemthong, Mr. Rop Suksathit, and Mr. Suwan Siraksa were caused by state officers in the line of duty. I believe it appropriate that the case be processed under Section 150 of the Criminal Code by sending it to local investigators for further legal processing.

Submitted for your consideration.
Pol. Lt. Col. Wannaphong Khotcharak
Commander, Bureau of Information Technology Investigations / Assistant Head [of the Investigating Team]
16 Nov 2010

Opinion on the case:

To: The Director General, DSI

I believe it appropriate that a copy of the case files should be sent to investigators at the Bureau of Information Technology Investigations for further processing under Section 150, Clause 3 of the Criminal Code.

Submitted for your consideration.

Pol. Col. Narat Sawettanan

Deputy Director General (1), DSI

16 Nov 2010

Opinion on the case:

I concur with proceeding as recommended.

Tharit Pengdit

Director General, Department of Special Investigations