

Black Case no. Chor 30/2547  
Red Case no. Chor 24/2551

Under the Seal of His Majesty the King

The Provincial Court of Songkhla  
The fifteenth day of September, 2008  
Criminal Suit

The Songkhla public prosecutor  
Mr. Makta Hormamao  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 31/2547  
Red Case no. Chor 25/2551

The Songkhla public prosecutor  
Mr. Yaya Mahingta  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 32/2547  
Red Case no. Chor 26/2551

The Songkhla public prosecutor  
Mr. Nirup Raysa-ar  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 33/2547  
Red Case no. Chor 27/2551

The Songkhla public prosecutor  
Mr. Tueræ Dueramae  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 36/2547  
Red Case no. Chor 28/2551

The Songkhla public prosecutor  
Mr. Maroning Yongmakay  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 37/2547  
Red Case no. Chor 29/2551

The Songkhla public prosecutor  
Mr. Saronee Kalor  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 38/2547  
Red Case no. Chor 30/2551

The Songkhla public prosecutor  
Mr. Usman Salae  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 45/2547  
Red Case no. Chor 31/2551

The Songkhla public prosecutor  
Mr. Samit Sopon-ae  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 46/2547  
Red Case no. Chor 32/2551

The Songkhla public prosecutor  
Mr. Adnan Deesatham  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 47/2547  
Red Case no. Chor 33/2551

The Songkhla public prosecutor  
Mr. Abdulharlem Luamoosor  
Subject: Post-mortem inquest

Petitioner v.  
Deceased

Black Case no. Chor 48/2547  
Red Case no. Chor 34/2551

The Songkhla public prosecutor Mr. Malayee Labutassa Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 49/2547 Red Case no. Chor 35/2551
The Songkhla public prosecutor Mr. Kamaruding Maeprommi Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 50/2547 Red Case no. Chor 36/2551
The Songkhla public prosecutor Mr. Somsak Bangsaman Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 51/2547 Red Case no. Chor 37/2551
The Songkhla public prosecutor Mr. Abdulbasid Manputae Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 52/2547 Red Case no. Chor 38/2551
The Songkhla public prosecutor Mr. Pasori Dahayor Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 53/2547 Red Case no. Chor 39/2551
The Songkhla public prosecutor Mr. Sakariya Hatkhajay Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 54/2547 Red Case no. Chor 40/2551
The Songkhla public prosecutor Mr. Hami Laopusa Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 55/2547 Red Case no. Chor 41/2551
The Songkhla public prosecutor Mr. Sarapu Yongmakay Subject: Post-mortem inquest	Petitioner Deceased	v.	Black Case no. Chor 56/2547 Red Case no. Chor 42/2551
The Songkhla public prosecutor Mr. Roman Luamaiting Subject: Post-mortem inquest	Petitioner Deceased	v.	

By the order of the court, the nineteen cases shall be combined into one single case, and the petitioner of the nineteen cases is called "petitioner", and the deceased referred to in the nineteen cases as "deceased no.1-19", respectively.

In essence, according to the nineteen files of inquest inquiry reports, on 28 April 2004, during the nighttime before noon and the following daytime, while police officers of the Sabayoy Provincial Police Station were keeping security at a police box in the vicinity of the Sabayoy Municipality, Songkhla province, it happened that the nineteen deceased who were insurgents and armed with fuel, Spartan knives, pistols, M16 machine guns, Cabin M1 guns and a lot of ammunitions, used the weapons to attack and murder police officers who were working at the police box. During the shootout, the police officers led by Pol.Sen.Sgt.Maj. Somwang Mingmuhamwong, in defence of themselves, fired back at the nineteen deceased. As a result, the nineteen persons were found death from the shootout on the spot. The incidence took place at Tambon Sabayoy, Sabayoy district, Songkhla province. The post-mortem inquest has been conducted on the nineteen

deceased by the inquiry officers at the Sabayoy Provincial Police Station of the locality where the corpses were found, public prosecutors, administrative officers, and medical doctors and the files of inquest have been submitted to the Songkhla public prosecutor to be further furnished to the Provincial Court of Songkhla of the locality where the corpses were found. The petitioner requests the Court to rule as to the identity of the deceased, where and when the deaths took place, causes of deaths and circumstances under which the deaths took place as per Section 150 of the Criminal Procedure Code.

After the Court scheduled the hearing as per the procedure, Ms. Pi-ar Dolao, mother of Mr. Makta Hormamao, deceased no.1, Mr. Mah Mahingta, father of Mr. Yaya Mahingta, deceased no.2, Mr. Usman Raysa-ar, father of Mr. Nirup Raysa-ar, deceased no. 3, Ms. Saema Uma, mother of Mr. Tuerae Dueramae, deceased no. 4, Ms. Airsao Luamaiting, mother of Mr. Maroning Yongmakay, deceased no. 5, Mr. Doramae Kalor, father of Mr. Saronee Kalor, deceased no. 6, Mr. Roya Sale, father of Mr. Usman Salae, deceased no. 7, Mr. Oh Sopon-ae, father of Mr. Samit Sopon-ae, deceased no. 8, Mr. Daray Deesatham, father of Mr. Adnan Deesatham, deceased no. 9, Mr. Hayen Luamoosor, father of Mr. Abdulharlem Luamoosor, deceased no. 10, Mr. Daho Labutassa, father of Mr. Malayee Labutassa, deceased no. 11, Mr. Udom Maeprommi, father of Mr. Kamaruding Maeprommi, deceased no. 12, Mr. Salae Bangsaman, father of Mr. Somsak Bangsaman, deceased no. 13, Mr. Braham Manputae, father of Mr. Abdulbasid Manputae, deceased no. 14, Mr. Iroheng Dahayor, father of Mr. Pasori Dahayor, deceased no. 15, Ms. Tiya Latae, mother of Mr. Sakariya Hatkhajay, deceased no. 16, Ms. Yaena Laopusa, mother of Mr. Hami Laopusa, deceased no. 17, Mr. Ayi Cheno, relative of Mr. Sarapu Yongmakay, deceased no. 18 and Mr. Korday Luamaiting, father of Mr. Roman Luamaiting, deceased no. 19, requested for the chance to examine the witnesses of prosecution and propose witnesses for examination. The Court grants the request and refers to them as the examiner no. 1 to 19.

The petitioner described that on 28 April 2004, around 05.00, around 20 male teenagers clad in Wadah dress and drove and rode on several motorcycles. After stopping, armed with knives, guns and bombs, they were trying to attack police officers who were performing duties at the police box at the junction toward the entrance of the Sabayoy Municipality, Sabayoy district, Songkhla province. As the male teenagers were storming to attack, the police officers were shooting back at them and two of teenagers died. The rest of the group fled into hiding in Suay Na eatery and teacher's dormitory nearby. As the police officers followed them to the teacher's dormitory, two male teenagers came out to shoot the police, but they were gunned down by the police. Later, by radio communication, the police officers asked for reinforcement from both administrative officers and defence volunteers who came to lay siege to the eatery. In both Thai and Malay languages, the teenagers were persuaded to turn themselves in. The teenagers refused to turn themselves in and shouted back in Malay word, which could be translated as "Fight until dead" and fired out intermittently. Police officers moved in closer and exchanged gun fires for four or five minutes. After the shootout halted, 15 teenagers were found dead in the eatery. Altogether, 19 persons were gunned down as per the petition.

The 19 examiners described that the 19 deceased had no arms to fight against the police officers. Judging from the conditions of the corpses and the nature of injuries sustained by them, the causes of death should not be related to exchange of gun fires, since on some corpses, the injuries were caused by shooting at point blank range and some were shot in their backs.

Based on evidence submitted by both parties, the judges are supposed to rule as to who the deceased were, where and when they died, what causes of deaths and related circumstances were. The judges found that the petitioners including Pol.Sen.Sgt.Maj. Charnnarong Nulaun, Pol.Sen.Sgt.Maj. Sompong Songthip, Pol.Sgt.Maj. Panat Insrisai, Sgt. Thawatchai Penglai, and Sgt. Songchai Kwanprom, police officers who were performing their duties at the police box at the junction of the Sabayoy Municipality, were able to testify in concerted manner that on 28 April 2004, around 05.00, around 20 male teenagers clad in Wadah dress and drove and rode on several motorcycles. After stopping, armed with knives, guns and bombs, they were trying to attack police officers who were performing duties at the police box. Pol.Sen.Sgt.Maj. Charnnarong Nulaun used his pistol to shoot back and kill two teenagers at the police box as per the photo exhibit no. Ror 42 and Ror 43. It was known later that the two persons were Mr. Sakariya Hatkhajay and Mr. Somsak Bangsaman. The rest of the group fled into hiding in Suay a eatery and teacher's dormitory nearby where the police officers used firearm to shoot down another two persons. Then Sgt. Songchai

Kwanprom, by radio communication, asked for reinforcement from both administrative officers and defence volunteers. The officers followed into the teacher's dormitory where two teenagers fired at them. Thus, Sgt. Sakthawee Senmuang and Pol.Sen.Sgt.Maj. Ajin Wandee gunned the two of them down as per photo exhibit no. Ror 64 and Ror 65. It was known later that the two persons were Mr. Malayee Labutassa and Mr. Kamaruding Maeprommi. The police and administrative officers laid siege to the Suay Na eatery and, in both Thai and Malay languages, persuaded the teenagers to turn themselves in. The teenagers refused to turn themselves in and shouted back in Malay word, which could be translated as "Fight until dead" and fired out intermittently. Police officers moved in closer and exchanged gun fires for four or five minutes. After the shootout halted, 15 teenagers were found dead in the eatery. Pol. Maj. Thanit Saencharoen, an inquiry officer, testified that after the incidence reviewed names of the deceased and together with medical doctors, public prosecutor and administrative officers conducted the post-mortem inquest and took photographs of the corpses. Some of them were found dead with their knives, firearms and bombs. The deceased as per the exhibit no. Ror 52, the second photo, is Makta Hormamao, the exhibit no. Ror 45 is Mr. Yaya Mahingta, the exhibit no. Ror 56 is Mr. Nirup Raysa-ar, the exhibit no. Ror 58 is Mr. Tuerae Dueramae, the exhibit no. Ror 60 is Mr. Maroning Yongmakay, the exhibit no. Ror 53 is Mr. Saronee Kalor, the exhibit no. Ror 55 is Mr. Usman Salae, the exhibit no. Ror 48 is Mr. Samit Sopon-ae, the exhibit no. Ror 52 are Mr. Adnan Deesatham, the exhibit no. Ror 61 is Mr. Abdulharlem Luamoosor and Mr. Abdulbasid Manputae, the exhibit no. Ror 49 is Mr. Pasori Dahayor, the exhibit no. Ror 51 is Mr. Sarapu Yongmakay, the exhibit no. Ror 50 is Mr. Roman Luamaiting. The witness compiled all weapons used by the deceased and took the photograph as per the photo exhibits no. Ror 98 and Ror 99. Dr. Pongsak Tantichanthakarun and Dr. Witsanu Foythong, the medical doctors who conducted post-mortem inquest of the 19 corpses testified in addition to the files of inquest as per the exhibits no. Ror 19 to Ror 28 that the deceased were shot dead by police officers who claimed to perform their duties. Evidence and testimonies of the petitioner are given in complimentary to each other and correspond to the order of the incidence. It happens as well that witnesses of the petitioner had had no dispute with the deceased and thus there is no reasons to suspect that the testimonies were made to frame the 19 deceased. Their testimonies are believed to be true. As the evidence submitted by the examiners no. 1 to 19 could not convince the judges otherwise, the judges thus believe that on the day of incidence, the 19 deceased were armed with knives, guns and bombs and were attempting to harm police officers who were performing their duties at the police box at the junction toward the entrance of the Sabayoy Municipality, Sabayoy district, Songkhla province. The police officers fired back and killed two persons. The rest of the group fled into hiding in Suay Na eatery and teacher's dormitory nearby. As the police officers followed them to the teacher's dormitory, two male teenagers came out to shoot the police, but they were gunned down by the police. Led by Capt. Uthai Raknuan, officers from the police, administration and defence volunteer agencies, laid siege to the Suay Na eatery and persuaded the teenagers to turn themselves in. The teenagers refused to turn themselves in and fired out intermittently. Police officers moved in closer and exchanged gun fires for four or five minutes. After the shootout halted, 15 teenagers were found dead in the eatery.

Based on the above reasons, the Court holds that the deceased including Makta Hormamao, Mr. Yaya Mahingta, Mr. Nirup Raysa-ar, Mr. Tuerae Dueramae, Mr. Maroning Yongmakay, Mr. Saronee Kalor, Mr. Usman Salae, Mr. Samit Sopon-ae, Mr. Adnan Deesatham, Mr. Abdulharlem Luamoosor, Mr. Malayee Labutassa, Mr. Kamaruding Maeprommi, Mr. Somsak Bangsaman, Mr. Abdulbasid Manputae, Mr. Pasori Dahayor, Mr. Sakariya Hatkhajay, Mr. Hami Laopusa, Mr. Sarapu Yongmakay, and Mr. Roman Luamaiting, all died at Tambon Sabayoy, Sabayoy district, Songkhla province on 28 April 2004. As to causes of death and circumstances under which deaths occurred, the 19 deceased were armed with knives, guns and bombs and were attempting to harm police officers who were performing their duties at the Tambon Sabayoy police box, Sabayoy district, Songkhla province. Thus, police officers and administrative officers fired back at them and laid siege to the Suay Na eatery under the command of Capt. Uthai Raknuan. After exchange of gun fires, all the deceased were killed as they were shot into critical organs by firearms used by the police and administrative officers.

Mr. Supphachoke Korkua  
Ms. Warinda Permethaweephon

Signed  
Mr. Supphachoke Korkua, recorder and reader  
Signed  
Authorized persons of relatives of the deceased  
no. 9, 11 and 12  
Relatives of the deceased no. 2, 3, 6, and 8  
Relatives of the deceased no. 9, 11, 13, 14 and  
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