

  
**URGENT**  
No. 52101/163**PERMANENT MISSION OF THAILAND  
GENEVA**

20 March B.E. 2556 (2013)

Dear Mr. La Rue, Mr. Kiai, Ms. Sekaggya, Mr. Heyns and Ms. Manjoo,

I wish to refer to your joint letter dated 9 January 2013, requesting the Royal Thai Government to provide clarification on the alleged case of killing of Ms. Montha Chukaew and Ms. Pranee Boonrat, Thai nationals, in November 2012.

In this connection, I have the honour to transmit herewith the clarification on the above-mentioned case, as received from Suratthani Province, where the alleged case took place, by the Ministry of Foreign Affairs of Thailand. I hope that the information provided would address your concerns and be helpful for the preparation of your respective report.

The Permanent Mission of Thailand remains at your disposal should you require additional information.

Yours sincerely,

(Thani Thongphakdi)

Ambassador and Permanent Representative

OHCHR REGISTRY

20 MAR 2013

Recipients : .....

SPD

S. Lianna (Encl)

Mr. Frank La Rue,

Special Rapporteur on the promotion and protection of the right to freedom  
of opinion and expression,

Mr. Maina Kiai,

Special Rapporteur on the rights to freedom of peaceful assembly and association,

Ms. Margaret Sekaggya,

Special Rapporteur on the situation of human rights defenders,

Mr. Christof Heyns,

Special Rapporteur on extrajudicial, summary or arbitrary executions,

Ms. Rashida Manjoo,

Special Rapporteur on violence against women, its causes and consequences,

Office of the High Commissioner for Human Rights,

GENEVA.

Fax 022 917 9006

Reference : AL G/SO214(67-17) Assembly and Association (2010-1) G/SO214 (33-27)  
G/SO 214 (89-15) THA 3/2013

**Clarification by the Royal Thai Government regarding the death of  
Ms. Montha Chukaew and Ms. Pranee Boonrat**

**Summary of allegations**

- Ms. Montha Chukaew and Ms. Pranee Boonrat, members of Southern Peasant's Federation of Thailand (SPFT), were shot by unknown individuals on 19 November 2012. The community members who heard the gunshots found the women's bodies at a distance of 800 meters from Khlong Sai Pattana community, along with ten spent assault rifle bullet cases.
- Khlong Sai Pattana Community does not consider itself to be secure. The Community has been subjected to violent incidents, including the destruction of sixty houses in 2009 and shooting of SPFT member, Mr. Somphom Pattaphum, in 2010, as a result of the community members' work in defending local land rights.

**Reply to the allegations**

**1. Are the facts alleged in the above summary of the case accurate?**

- There has indeed long been a land ownership dispute in the area as raised in the communication.
- The Royal Thai Government wishes to emphasize that to date, no clear ownership has been formally established. There is currently a land dispute between the Agricultural Land Reform Office (ALRO) and the Jiew Kang Jue Pattana, Co. Ltd., a palm oil company. The land ownership case is under consideration by the Supreme Court (following successive judgements in favour of the ALRO in the Court of First Instance and the Court of Appeal).
- According to the records of the Thai authorities, information regarding the case may be summarised as follows :
  - On 19 November 2012 at approximately 07.10 hrs, Mrs. Pranee Boonrak left by motorcycle from her residence in Khlong Sai Pattana Community, Moo 2, Saitong Sub-District, Chaiyaburi District, Surat Thani Province, with Mrs. Montha Chukaew in the back.
  - The two women were on their way to a local market at Baan Kor Tong, Khao Din Sub-District, Khao Panom District, Krabi Province.
  - When they were approximately 2 kilometers away from their point of departure, the two women were chased after by a car and were shot dead with a 5.56 mm pistol. The gunmen then escaped the crime scene.

**2. Has a complaint been lodged by or on behalf of the victims' relatives? Please indicate whether compensation will be provided to the families of the victims.**

- The case has been filed at Chaiyaburi Police Station, Surat Thani Province.
- The Ministry of Justice (MOJ) has duly informed the victims' relatives of their entitled rights. The MOJ has also liaised directly with the Chaiyaburi Police Station, requesting them to expedite the investigation process and to bring justice to the victims and their families in a fair and timely manner.
- The relatives of the victims are entitled to compensation from the Government, in accordance with the Act relating to Victim Compensation, Restitution and Benefits of the Accused B.E. 2544 (2001). In this regard, compensation of 70,000 baht and 100,000 baht have been approved for the families of Mrs. Montha Chukaew and Mrs. Pranee Boonrak, respectively. (The difference in the compensation amount is because Mrs. Montha Chukaew did not have any dependents.) The relatives have also been informed of their rights to file for compensation from the perpetrators once the case is brought to court.

3. **Please provide the details, and where available the results, of an investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why**
- The police presumed that the killings may relate to the victims' involvement in a land dispute between Khlong Sai Pattana Community, which tried to claim their area of cultivation, and Jiew Kang Jue Pattana Co. Ltd., a palm oil company.
  - The Community had occupied an area of 113 Rai (approximately 45 Acres) that belonged to the Agricultural Land Reform Office (ALRO) but on which Jiew Kang Jue Pattana Co.Ltd. had laid a claim. The Community then wanted to expand its cultivating area. In the meantime, Jiew Kang Jue Pattana Co.Ltd. sold the land to other private entities to manage the palm oil plantation. In an attempt to claim a larger piece of land, members of the Khlong Sai Pattana Community injected harmful chemicals into the palm trees in the plantation in order to kill those trees.
  - According to the police's preliminary conclusion, the action by the Community may have angered the new companies/private entities and later led to the dispute, which resulted in the murder of the two victims. The killings, according to the police's presumption, may have been meant as a threat to the rest of the Community in order to prevent any further damages done to the palm trees and indirectly to evict the Community from the land.
  - The police have not found any evidence linking the victims to any previous involvement in drugs or other possible dispute causes.
4. **Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions have been imposed on alleged perpetrators?**
- The authorities at the Chaiyaburi Police Station have identified and captured two suspects – Mr. Suksan Kuadkaew and Master Sergeant Third Class Cherd Hongngam.
  - The police are conducting further investigations and gathering additional evidence. Now the case is under consideration by the prosecutor of Surat Thani province. The police have also identified  
4 – 5 additional individuals to be arrested.
5. **Please clarify what measures have been taken to address the reported concerns regarding the inadequacy of the protection measures currently in place in Khlong Sai Pattana community. Please also provide details of measures taken to ensure that human rights defenders in Thailand are able to carry out their activities free of violence and other restrictions.**
- In general, the Royal Thai Government has supported the protection and promotion of the human rights of all human rights activists in Thailand. Thailand is a vibrant society where all activists can operate freely. When allegations of human rights violations arise, the Government spares no efforts to ensure accountability.
  - In practical terms, the Government has also made efforts to support the well-being and safety of all communities in Thailand and worked closely with them. In this particular case, out of travel safety concerns, Khlong Sai Pattana Community requested development assistance from the Agricultural Land Reform Office (ALRO) such as construction of a new road into the community. The ALRO has already surveyed the area. Due to the high construction cost involved, the ALRO is awaiting additional budget for the construction.

Ministry of Foreign Affairs of Thailand  
8 March 2013

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